# LAWS AND PRINCIPLES OF MARRIAGE

**AS EXPOUNDED UPON AND MADE PRECEDENT THROUGH BIBLICAL AND AMERICAN LAW**

*A STUDY AND APPLICATION GUIDE ON MARRIAGE, FAMILY, HUSBAND & WIFE RESPONSIBILITIES, ETC., FOR WHITE CHRISTIAN AMERICANS*

by

**Charles A. Weisman**

# *LAWS AND PRINCIPLES OF MARRIAGE*

**PRESENTING A SHORT BUT WELL-DOCUMENTED AND RESEARCHED BOOK ON THE SUBJECT OF MARRIAGE WITH AN EMPHASIS ON BIBLICAL AND AMERICAN LAW**


by

**Charles A. Weisman**

# TABLE OF CONTENTS


| CHAPTER | TOPIC | PAGE |
|---|---|---|
| | INTRODUCTORY NOTE | 2 |
| 1 – | THE FOUNDATION OF MARRIAGE | 4 |
| 2 – | BIBLICAL LAWS AND PRINCIPLES OF MARRIAGE | 14 |
| | -- CONFUSING PRINCIPLES OF MARRIAGE IN THE BIBLE | 16 |
| | -- IN CHOOSING A MATE TO MARRY | 17 |
| | -- DUTIES AND RESPONSIBILITIES OF THE HUSBAND | 23 |
| | -- DUTIES AND RESPONSIBILITIES OF THE WIFE | 29 |
| | -- DIVORCE | 32 |
| 3 – | COLONIAL MARRIAGE LAWS | 39 |
| 4 – | INTERRACIAL MARRIAGE | 53 |
| 5 – | COMMON LAW MARRIAGE ? | 66 |
| 6 – | MARRIAGE LICENSE ? | 71 |
| 7 – | THE MARRIAGE COVENANT | 78 |
| | -- COVERTURE | 79 |
| | -- CAPACITIES AND DISABILITIES | 81 |
| | -- THE MARRIAGE CERTIFICATE | 83 |
| | -- DISSOLUTION OF THE MARRIAGE BOND | 87 |

# 1

# THE FOUNDATION OF MARRIAGE

*The great basis of human society throughout the civilized world is founded on marriages and legitimate offspring.*
- U. S. Supreme Court
*Gains v. Relf*, 53 U.S. 472, 534

Marriage and the establishment of the family unit has, throughout the history of the white civilized race, been the foundation upon which rests the establishment of its culture, its art, its science and technology, its law and government, its social order; in short, its civilization. Marriage is the foundation of the family, the family is the foundation of society, and society is the foundation of a nation's culture and civilization. Without a strong, stable, cohesive marriage relationship between husband and wife, there can be no stability or unity in a family. The product of a weak, unstable, and incoherent family unit is a degradation in morals, manners, ambition, civil concern, Christian precepts, patriotic consciousness, and general education in children. The end results is an eventual deterioration and weakening of a nation's culture and civilization as we soon see less social improvements, less refinement in arts, a more oppressive government, higher crime rates, inefficient productivity and lack of quality work in industry, a debasement of its economy, etc.

Where marriage bonds are kept strong and stable, we see a high state of civilization; and where marriage bonds between husband and wife are weak or allowed to deteriorate, so does the strength and prosperity of the civilization. This cause and effect relationship can most predominately be seen occurring today not only in America but also in England, Canada, France, and other white civilizations.

**Justice Story** stated: *"The contract of marriage is the most important of all human transactions. It is the very basis of the whole*

*fabric of civilized society."* **Chancellor Kent** also expressed this point as follows:

> "The primary and most important of the domestic relations is that of husband and wife. It has its foundation in nature, and is the only lawful relation by which Providence has permitted the continuance of the human race. In every age it has had a propitious influence on the moral improvement and happiness of mankind. It is one of the chief foundations of social order. We may justly place to the credit of the institution of marriage a great share of the blessings which flow from refinement of manners, the education of children, the sense of justice, and the cultivation of the liberal arts." [1]

Nowhere has this relationship between strong marriage bonds and a prosperous civilization been more exemplified than among the white civilizations. It is in the white nations that we find the strongest social bonds of marriage and where marriage between a man and a woman has held the most sanctity, social respect, and civil concern. And it is among the white nations of the world that we always find the greatest cultures, the most prosperous industries, the most advanced technology, the more refined arts and literature, and highest state of civilization. Why is this and why does much of our success seem to have a connection with marriage and family rearing? There seems to be something unique and different in the relationship between men and women of the white race not present in other cultures. But what is it and why is it there?

Since so much of our culture and society depends on marriage as its foundation, as stated in the above Supreme Court case, it may benefit us to determine what marriage itself is founded on. What are the basis of marriage that causes it to exist in its unique manner among the white nations as it has for centuries? Is this union of man and wife based on traditions, instincts, emotions, laws, social mores, a combination of these or something else? For the answers to these questions we need to turn to the Bible — the history of the white race.

The Divine origin of marriage, and the status of husband and wife, are clearly recorded in Genesis with the creation and union of our white ancestral parents, Adam and Eve. In **Genesis 2:19-20**, God brought to Adam all beasts and creatures He had created, *"but for*

1 James Kent, *"Commentaries on American Law,"* Part IV, Lect. 26, 7th Ed. p.76.

*Adam there was not found an help meet for him."* Among all the other races, there was not found a helper comparable to Adam, which means there was no white woman which he could have as a wife.

When God had created Adam, He evidently had given Adam dominion and authority in the earth that other men at that time did not have. Likewise, since Adam was the final human form made, as science and the Bible will attest, he evidently possessed the highest degree of social, moral, spiritual, mental, and physical characteristics. Further, while other races (and species) of the human form were created together as male and female and after their kind, Adam was formed singularly without a female after his kind.

However, since *"It was not good that the man (Adam) should be alone,"* God said he would make a help meet or mate for Adam. Here now lies the basis for the unique and special bond that exist in the marriages of those of the white race. The manner of creation God used in forming Eve out of Adam's rib has great implications and significance to those of the white race. Eve, unlike any other female, was made out of Adam (her male counterpart) possessing the same physical and spiritual characteristics, and thus establishing a special bond to exist between them. In **Genesis 2: 21-24,** is recorded this special and unique creation of Eve:

> 21 And the LORD God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof;
>
> 22 And the rib, which the LORD God had taken from Adam, made he a woman, and brought her unto the man (Adam).
>
> 23 And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man.
>
> 24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Eve was created in this special manner for a special reason and purpose. Through this manner of creation, Eve became a part of Adam which created a special relationship between them as man and wife. Just as a child is part of their parents in a physical and genetical sense, which develops a special bond and relationship between parent and child, similarly there existed a special bond between Adam and Eve as Eve was a part of Adam. Eve became a

physical and genetical part of Adam — *"This is now bone of my bones, and flesh of my flesh."* This infusion of Adam's physical and genetical attributes into Eve helped develop and intensify a mutual bond or relationship of love, compassion, affection, respect, and honor between them.

We need to understand that God could have formed Eve out of *"the dust of the ground,"* as he did with Adam and all other living creatures, but He didn't. God clearly did not create Eve in the same manner as He created women of other races before her. Eve was created in a very special and unique manner for a very special and unique purpose. Her creation by God was done so a special attraction and relationship would exist between Adam and Eve. This mysterious attraction and relationship persists today between their descendants, to bring them together and to *"cleave"* to one another as man and wife becoming as *"one flesh."* They are in effect tied to one another. This relationship and attraction seems to create a strong and enduring bond between white Adamic men and women, a bond which scarcely exists between men and women of other races.

It is this unique relationship that is responsible for the strong and stable marriage bonds that have existed in the white nations throughout history. The attributes of love, romance, affection, chivalry, and gender etiquette have, for the most part, originated and continually emanate from those of the white race as evidenced in their art, literature, society, culture, and stable relationships. It is a matter of observation that such emotional, social, and physical attributes between white men and women are more pronounced and vibrant than in other races. As a result, our civilizations grow and prosper while others break down and fail or remain stagnant. Thus the law in white Christian nations places a high regard on marriage:

> Marriage is regarded by all Christian nations as the basis of civilized society, of sound morals, and of domestic affections. As sometimes expressed it is the parent and not the child of civil society, and the doctrine of ethics and of social science is universally recognized as the foundation of the marriage law.[2]

Sociologists and anthropologists have recognized that the relationships between men and women of the various non-white

2 *Ruling Case Law,* vol. 18, "Marriage," § 1, p. 381 (1917).

races is usually little more than instinctive in nature with affections of love being simple, shallow and obtuse. Conjugal bonds are loosely held and often easily dissolved. However, the attraction and relationship between white men and women are much more deeply ingrained and complicated. Regarding the marital habits of the non-white primitive racial groups, **Dr. Goodsell** states the following:

> Nothing appears more striking to the student of the primitive family than the instability of marriage. In many instances the most flimsy pretexts are sufficient to bring about a divorce which is usually accomplished without any formalities whatever. Marriage is commonly regarded as a private contract and as such may be dissolved at the will of both parties or of only one. Such facility of divorce of course implies that the affections are not very deeply involved in marriage. In many savage groups incompatibility of temper, the aging of the wife and hence her depreciation in value as a worker, petty quarrels and other causes equally slight are regarded as constituting grounds for divorce.
>
> The greatest variety with respect to freedom of divorce may be discovered among savage tribes. Some rude peoples permit the utmost liberty to both husband and wife. Thus among the Point Barrow Eskimo, the Negroes of the Gold Coast of Africa and certain tribes of Asia and America, the marriage bond is easily broken at the whim of either party. [3]

Historically speaking, family problems relating to divorce, wife beating, child abuse, adultery, etc., have been much more prevalent among Blacks, Hispanics, and Mexicans in this country than among Whites. When intermarriage of these groups with Whites occurs the problems are worse still:

> Interracial married couples have a greater probability of having a short marriage than married couples with the husband and wife of the same race. Perhaps the best evidence is found in census data reported by Heer (1974) concerning first marriages contracted in the 1950s that were still intact in 1970. The results showed that 90 percent of the couples with a White husband and wife were still living together and that 78 percent of the couples with a Black husband and wife were also still together; however, smaller proportions - 63 percent - of the couples with a Black husband and a White wife and only 47 percent of those with a White husband and a Black wife had continuing first marriages. [4]

3 Willystine Goodsell, *"A History of Marriage and the Family,"* 1934, p. 30.

4 Harriette McAdoo; *"Black Families,"* 1981, p. 119.

The attributes of love, romance, and conjugal affections that we tend to take for granted seem to be nonexistent in many other races, making the relationships between man and wife no better, or even worse, than found in many animals in the wild. One such instance has been observed among the various Australian Aborigines:

> Among the Bangerang people, "community of interests between man and wife is much less than amongst civilized people. The husband gorges himself before he gives the rest of his food to his wife. He is a constant check on her free will and inclinations. She regards him more as her master and enemy than as her mate."
>
> Among some West Victorian tribes, Curr noted that "notwithstanding this drudgery and the apparent hard usage to which the women are subject, there is no want of affection amongst the members of a family." The author speaks even of "persistent disrespect and unkindness" of a wife towards her husband.
>
> Bonney asserts that apparent coolness in relations is required by custom. He gives an example of a couple who "loved each other," and did not even greet after a long absence.
>
> Angas writes that among the aborigines, whom he had under observation (Lower Murray tribes), the man walks proudly in front, the woman following him; she is treated like a slave, and during meals receives bones and fragments like a dog.
>
> About some of the Lower Murray natives we are told by Eyre, "But little real affection exists between husbands and wives." "Women are often sadly ill-treated by their husbands," "beaten about the head with waddies," "speared in the limbs." etc. Here we have bad treatment based on absolute authority and complete want of affection.
>
> Speaking of the Australian aborigines in general, Curr says: *"The husband is absolute owner of his wife. He may do as he pleases with her, treat her well or brutally, ill-use her at his pleasure; keep her to himself, prostitute her, exchange her for another, or give her away."* [5]

When we hear of such interrelationships existing between men and women of other races, we are often shocked, confused, and repulsed by such conduct. This is due to our natural and inborn affections and concern towards the opposite sex which repels us from and retards such conduct in our family affairs and society. We thus tend to find such unloving, uncaring interrelationships repugnant and unnatural and deem those that possess them as *uncivilized.*

5 B. Malinowski, PhD.; *"The Family Among the Australian Aborigines,"* (London, 1913), pp. 69-70.

Such conduct is unnatural in the white race due to their heritage and nature which tend to prevent weak marital bonds and divorce. Yet in other races, such as the Australian aborigine, we find weak conjugal relationships natural and common; for they were never descendant from Adam and Eve, and thus do not possess their attributes which yield a strong mutual bond between a man and woman.

When there exists a weak bond between husband and wife, society suffers. The human infant, in contrast with the infants of other species, requires long and continual care. Human culture is acquired, not inherited. Human infants cannot survive and become functioning socialized and civilized adults unless socialized and civilized adults care for them. Without a strong, sincere, and monogamous marriage, the children become as disorderly and unstable as the marriage itself, and society at best becomes stagnant. This we find to be the norm among most nonwhite cultures around the world.

> Among the Nayar of India a girl was ritually married at puberty. However, she did not remain with her "husband," and in fact never saw him again. She returned home, where she shared a household with her matrilineal kin: her mother, her mother's sisters, her own siblings, and their children. Here she was permitted to take a series of lovers. Formal paternity of subsequent children was assigned to the man who paid delivery expenses for the child. [6]

When we examine the marital customs and practices of such races as the Nayar or the Australian Aborigine compared to ours, it is evident that their weak interrelations and affections for one another are, in part, responsible for their lower state of civilization.

The white race exhibits by far the strongest degree of interrelation emotions between man and woman – the warmth and comfort when together, the jealousy when rivaled, and the loneliness when separated. Such feelings have always been lacking in the non-Adamic races. Evidence of this is produced by the study of the three main races that existed in early America – the White, Black, and Red American Indian. In his *Notes on the State of Virginia,* **Thomas Jefferson** quotes the naturalist **Count de Buffon** regarding the characteristics of the American Indian as follows:

6 *Encyclopedia Americana,* Vol. 18, 1985, p. 346.

> The savage is feeble, and has small organs of generation; he has neither hair nor beard, and no ardor whatever for his female; . . . There is no need for seeking further the cause of the isolated mode of life of these savages and their repugnance for society: the most precious spark of the fire of nature has been refused them; they lack ardor for their females, and consequently have no love for their fellow men: not knowing this strongest and more tender of all affections, their other feelings are also cold and languid; they love their parents and children but little; the most intimate of all ties, the family connection, binds them therefore but loosely together; between family and family there is no tie at all; hence they have no communion, no commonwealth, no state of society. Physical love constitutes their only morality; their heart is icy, their society cold, and their rule harsh. They look upon their wives only as servants for all work, or as beast of burdens, which they load without consideration . . . and this indifference to the other sex is the fundamental defect which weakens their nature, prevents its development, and – destroying the very germs of life – uproots society at the same time. Man is here no exception to the general rule. Nature, by refusing him the power of love, has treated him worse and lowered him deeper than any animal.[7]

Jefferson adds that, *"The women are submitted to unjust drudgery."* In comparing Negroes with Whites, Jefferson made these observations regarding the interrelations between the Blacks:

> They are more ardent after their female: but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. . . In general, their existence appears to participate more of sensation than reflection. . . Their love is ardent, but it kindles the senses only, not the imagination.[8]

What Buffon and Jefferson had observed in regards to the lack of love, affections, tenderness, and social bonds existing between men and women of the Red and Black races has been observed throughout time. They lack these attributes because their original parents, as created by God, also lacked them. It makes no difference if these races were observed today, two hundred years ago, or ten thousand years ago. Their nature is the same then as it is now, and shall remain the same, for it cannot change any more than *"the Ethiopian can change his skin, or the leopard his spots"* **(Jeremiah 13: 23)**.

7 Thomas Jefferson; *"Notes on the State of Virginia,"* edited by William Peden, (Chapel Hill: University of N. C. Press, 1954) pp. 58-59,

8 Ibid, pp. 139-140.

Even when these other races are brought up in a white culture and society, they still do not acquire their natural and vital bonds of interrelationships between men and women. Rather, they do, to some degree, adopt and mimic these attributes and customs but never execute them with the same intensity as whites. Many liberal-minded philanthropist who see colored peoples mimicking the natural attributes of whites, falsely conclude them as being "civilized" and "equal" to the whites. Their error is not understanding that, for the colored races, this is a matter of "learned" traits and attributes from the white society rather than their obtaining the innate attributes of the whites. The innate attributes of love and affection that are inherent in the Adamic race, cannot be gained in any manner by another race anymore than one can gain the innate gift for musical composition — you are either born with them or you are not. We also see that when the colored race is removed from the influence of the white culture and society, they soon lose any learned attributes and customs and revert back to the primitive instincts of their nature.

Only a difference in racial origin and creation could explain the striking differences we see regarding mating bonds and affections found in the white race compared to other races. The special creation of Adam and Eve gave them and their descendants that *"precious spark of the fire of nature,"* that Buffon referred to.

When part of Adam was removed from him to make Eve, he became in a sense incomplete. And since Eve was formed from only part of Adam, she also was in a sense incomplete. But together as man and wife they are in a sense complete; they are one flesh in their union as was affirmed by Jesus Christ in Matt. 19:

> 5 For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh.

God created each creature and life form with its own special characteristics. When He said He would make a *help meet* [9] for Adam He obviously intended to make her something much more than just a female of the species or race. It was her unique creation from Adam that naturally generates the magnetic forces of love, affection,

9 HELPMEET: A help as his counterpart, i.e., an aid suitable and supplementary to him. A beautiful and delicate designation of a wife. *"The Popular and Critical Bible Encyclopedia,"* Vol. 2, 1908, p. 800.

etc., that attract men and women together. And once together this natural force continually acts as a bond to keep them together even under adverse conditions —whether it be stress, conflict of opinions, financial crisis, long separations, etc. We can thus see that this force which promotes togetherness prevails within us. Imagine if you will, the success of the fable *Snow White,* if it had ended with Snow White and the Prince being separated from one another. Our ancestors would never have accepted it. There is something in us that tells us that this man and woman are destined to be together and any other outcome is unnatural and unacceptable in our hearts and minds.

We may be inclined to ask; why did God create only Adam and Eve (the white Adamic race) in this special manner, thus bestowing upon them the attributes of love, social bonding, etc., necessary to form societies and cultures superior to other races? We cannot definitely answer this for it lies in the will and grace of God to create things in a special way or to choose a certain people as He did:

> 6 For thou art an holy people unto the LORD thy God: the LORD thy God hath chosen thee to be a special people unto himself, above all people that are upon the face of the earth (Deut. 7:6).

It obviously was God's intent for our race to be prosperous and successful above all others, and to insure this He gave us these special inborn attributes and characteristics necessary to promote successful family bonds. God further supplemented these innate attributes with Laws He gave us in regards to marriage, family living, etc. (see following chapter). This was further reinforced after Pentecost when He put the nature of his Laws in our hearts and in our minds (Heb. 10:16). We thus can only conclude that the God of the Bible, through the grace of His works in our people, is the underlining foundation of our marriage and family bonds.

History and general observation will attest to the results of our standing and success in cultural achievements and civilizations, which are second to none. Compare in contrast the marriages and family bonds of the other races which are founded on instinct (as in plain sexual attraction) and their cultural traditions. As a result, their marriages are chaotic, their societies stagnant, and their civilizations unfruitful. But through the manner God has created our race, He has preserved us from this fate.

# 2

# BIBLICAL LAWS AND PRINCIPLES OF MARRIAGE

*Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine.*

– Exodus 19:5

*This people (Israel) have I formed for myself; they shall shew forth my praise.*

– Isaiah 43:21

*Wherefore they (man and woman) are no more twain, but one flesh. What therefore God hath joined together, let no man put asunder.*

– Jesus Christ, Matthew 19:4-6

With the foundation of marriage for our race being establishe within the works of God Almighty, we should then turn to the Word c God to obtain our most important principles and laws of marriag family, husband-wife relationships, duties, and responsibilities.

Because Adam and Eve were a special and unique creation, Go evidently desired, and foreknew the need, to give their descendant special and unique laws to govern and secure their marital and famil relationships. The laws and commandments God gave the Israelite were simply a set of instructions from the Divine Manufacturer t operate and guide the lives of these special and unique beings H had created. The laws or instructions of the Manufacturer wer based upon the special design of His "chosen people" and ar therefore logical and will work if followed. Thus, in the area c marriage, these instructions were written so as to assure the mos secure marriages, righteous and intelligent offspring, and a soun and prosperous society. However, if we choose to ignore suc instructions or commandments, marriages will break down, childre

will become immoral, ill-mannered, and ignorant, and society as a whole will become weak and chaotic; allowing it to be destroyed from within. In short, a curse will be on us for failure to follow the instructions or commandments of the Divine Maker. Our Creator had long ago warned our ancestors of this.

> 26 Behold, I set before you this day a blessing and a curse;
>
> 27 A blessing, if ye obey the commandments of the LORD your God, which I command you this day;
>
> 28 And a curse, if ye will not obey the commandments of the LORD your God, but turn aside out of the way which I command you this day, to go after other gods, which ye have not known. [1]

The above is a type of "Warning Label" as used by many manufacturers today, warning of the problems and hazards that will come about for failure to read and follow the manufacturer's instructions. No one today would be so foolish as to ignore or disregard a manufacturer's warning or instructions for some product they bought. Yet we have been doing so with the warning and instructions our Maker has given us. Even though God's instructions or commandments are quite simple and clear, and He has put His law in our hearts and minds, this phenomena still exists.

The means and process for diverting from these instructions was revealed in the warning, that being our folly "to go after other gods" or religions. We need not discuss the forces that are at work here, whether it is the ancient anti-Christ religions, the pagan religions, or the various religious denominations of "Christianity" which have diverted us from the true words of God. The fact is they all exist, trying to exert a different set of instructions for us to follow.

A manufacturer has an intimate working knowledge of the product it creates and therefore is the only one who can write the instructions as to how it should be used. The God of Israel designed and formed the white Adamic race to be a special people which were to follow a special set of instructions. We are God's product and must follow His instructions – and the Bible is our instruction manual.

1 Deuteronomy 11:26-28.

## CONFUSING PRINCIPLES OF MARRIAGE IN THE BIBLE

In examining Biblical Laws and Principles of marriage we need to understand clearly the distinction between what God had actually instructed or commanded us, from traditional rites, customs and practices that may have existed at a particular time. Failure to understand this distinction has caused much confusion about the Bible. Just because something is said or done and is recorded in the Bible does not make it the "Law of God." On this topic of study, it is God's Law in the Bible that we must be ultimately concerned with, not customs, traditions, national edicts, or happenstance events that are in the Bible. We find that there are many things said or done by many righteous individuals in the Bible, but that does not necessarily make these words or actions of Divine origin.

Thus, in studying the area of marriage from a Biblical perspective, there needs to be an understanding of what is of God and what is not to avoid any confusion of what the Bible tells us. For example, in the Bible we have instances of polygamy, wife purchase, concubinage and other practices of marriage that today we would consider unacceptable or unlawful. While God had never condemned nor commanded against any of these practices, neither did He command that they should be followed. They were just practices that were done at that time and were acceptable at that time, having no real relationship to God's Laws either for or against them.

If we are to actually believe that these practices are against God's Law, then **Jacob**, the father of the twelve tribes of **Israel**, was a very unrighteous and evil man, for he practiced all of these - having purchased two wives (Leah and Rachel), and having two concubines (Bilhah and Zilpah). Further, since we are all descendants of Jacob (Israel) we could all be considered to be bastards, born of fornication, or born of sin, and likewise the same with Jesus Christ. This is the pitfall that we get into when we fail to distinguish between Laws and Commandments of God in the Bible, from that of customs and traditions practiced therein. As for the above practices, they were not against God's Law.

Does this mean we can practice concubinage and polygamy today without sinning, for sin is but the transgression of the law?

This is where the **Common Law** of our land comes in. Many of these practices were either not adopted or made unlawful when the Common Law was codified, we therefore get confused between the Common Law and the Bible. The Common Law has its source from laws in the Bible and not necessarily from customs and traditions therein. The Common Law also had made other acts either lawful or unlawful which were not in the Bible. Thus, in the study of marriage, we need to understand both Biblical Law and Common Law.

## IN CHOOSING A MATE TO MARRY

In the area of choosing a mate, courtship, etc., the God of Israel did indeed give His people laws and commandments to follow. Most of God's instructions in the Bible regarding the choosing of a mate are in the form of who not to marry rather than who we should marry.

**We are not to marry those not of our race.** This is without doubt the strongest and most prevalent precept of God involving the choosing of a mate to marry. It was God's plan not only to make us a special people or race, but also to separate or segregate us from all other races:

> 24 . . . I am the LORD your God, which have separated you from other people.
>
> 26 And ye shall be holy unto me: for I the LORD am holy, and have severed you from other people, that ye should be mine. [2]

For God to have made us a special and unique (peculiar) people, to have separated us from other races, and to have commanded us to remain separate from other races, and then to allow us to intermarry with all other peoples or races, would have been the most illogical and inconsistent thing imaginable. To allow such a mixture would be in direct conflict with the Creator's original plan of making every living creature after their own kind (**Genesis 1:24**).

Today, ministers could be heard harshly condemning polygamy or concubinage and yet say nothing against interracial marriage. The Bible, however, is just the opposite. In the case of Jacob, we read

2 Leviticus 20: 24 & 26. See also: Exodus 33:16; Deut. 7:1; Deut. 32:8; 1Kings 8:53; Ezra 10:11; Neh. 10:28; Neh. 13:3.

where his parents, **Isaac** and **Rebekah**, were seriously concerned about Jacob marrying any of the daughters of Heth - the Canaanites, as Esau did (**Genesis 26:34**). Rebekah, greatly worried about this, stated, *"if Jacob take a wife of the daughters of Heth, what good shall my life do me?"* (**Genesis 27:46**). Rebekah knew that if Jacob married outside their race, that her seed line would end, her labors of motherhood would be for naught, and she would be better off dead than to see this come about. Isaac also was concerned of who Jacob would marry:

> 1 And Isaac called Jacob, and blessed him, and charged him, and said unto him, Thou shalt not take a wife of the daughters of Canaan.
>
> 2 Arise, go to Padan-aram, to the house of Bethuel thy mother's father; and take thee a wife from thence of the daughters of Leban thy mother's brother. [3]

By marrying the daughter of Leban, it insured that Jacob's descendants would be of the same family or racial line as his parents. Israel was to be a "separate" people, and not to adulterate their race.

We of course should ask, is this just some custom, tradition or personal belief of Isaac and Rebekah, or is it of God? Isaac and Rebekah knew it was of God and had apparently known of the racial mixture that had occurred in **Genesis Chapter Six**, where *"the sons of God married the daughters of men,"* resulting in their cataclysmic destruction by God in the Flood.

This concept against interracial marriage was confirmed and commanded by God to the Children of Israel. Speaking of the various Canaanite races, God had commanded Israel not to intermarry with them and warned of the outcome of such unions:

> 3 Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son.
>
> 4 For they will turn away thy son from following me, that they may serve other gods: so will the anger of the LORD be kindled against you, and destroy thee suddenly.[4]

3 Genesis 28:1-2. See also Abraham's provision for Isaac's wife (Genesis 24:3-4)

4 Deuteronomy 7:3. See also: Numbers 25:6-13; Ezra 9:12; Nehemiah 10:30; Nehemiah 13:26-29.

We see here the serious nature which God attaches to this commandment against interracial marriages. Later on in history we read where the Israelites broke this commandment and how it was looked upon by God as an evil thing:

> 5 And the Children of Israel dwelt among the Canaanites, Hittites, and Amorites, and Perizzites, and Hivites, and Jebusites:
>
> 6 And they took their daughters to be their wives, and gave their daughters to their sons, and served their gods.
>
> 7 And the children of Israel did evil in the sight of the LORD, and forgot the LORD their God, and served Baalim and the groves.
>
> 8 Therefore the anger of the LORD was hot against Israel, and he sold them into the hand of Chushan-rishathaim king of Mesopotamia: and the children of Israel served Chushan-rishathaim eight years.[5]

God had previously forewarned Israel of such problems and curses that would derive from intermixing with these other races in the land of Canaan, through Moses back in **Exodus 34:11-16**.

When our people are in captivity or bondage, as we are this day with **Mystery Babylon**, we quickly lose sight of such precepts of God. Interracial marriage has always been promoted and made a favorite practice by the promoters of the Babylonian ways. When we separate ourselves and our thinking from its influence, and study into the word of God, we then begin to understand this law of God and its meaning to us. This is what happened in the days of **Ezra** and **Nehemiah** when a small remnant of Israelites left the Babylonian captivity they had been in all their lives.

After the people of Israel had returned to their own land, they found it inhabited with various races, and soon began intermixing with them and following their ungodly ways (**Ezra 9:1-2**). They soon learned of their error and transgression against the law of God and sought His forgiveness:

> 2 . . . We have trespassed against our God, and have taken strange wives of the people of the land: yet now there is hope in Israel concerning this thing.
>
> 3 Now therefore let us make a covenant with our God to put away all the wives, and such as are born of them, according to the

5 Judges 3:5-8.

counsel of my lord, and of those that tremble at the commandment of our God; and let it be done according to the law. [6]

The fact that these people had been so brainwashed and conditioned in Babylon all their lives, and then finding the conditions in their own home land such that would promote interracial mixing, made their transition to a righteous life a very difficult one. The thing that set them straight about the corruptible practice of interracial unions was the word of God. They read the old Scriptures and understood what was required of them:

1 On that day they read in the book of Moses in the audience of the people; and therein was found written, that the Ammonite and the Moabite should not come into the congregation of God for ever;

3 Now it came to pass, when they had heard the law, that they separated from Israel all the mixed multitude. [7]

The problem with these Israelites was not that they were stupid but that they were incorrectly educated. This is because they never were taught the principles of the Bible in Babylon but rather were taught the principles of the **Talmud**. It is these principles, when followed, that create the problems and curses God warned us of. Many of these problems and curses are present today in America. We have been uneducated in Bible truths, allowed various non-whites to enter our land, and have been misinformed about racial intermarriage.

The bottom line here is that Israelites are to marry only Israelites, or white people are to marry only white people. Reproduction was ordained to be *"after their kind."* This applies to all racial types because when there is interracial mixture, both races perish. This then becomes the most important precept of God on the subject of marriage, for if we fail at this one, none other apply.

**We are not to marry unbelievers:** It is certain that if we marry someone of another race they will not be a true believer and follower of God's ways and will induce us into their pagan and unrighteous ways. This was the downfall of many great men in Israel: Samson,

6 Ezra 10:2-3.

7 Nehemiah 13:1 & 3.

who was lured away from his people and his God by the Philistine woman Delilah (**Judges 16:4-16**). Also Solomon, the wisest man in all of Israel, who married or had as concubines many women who were foreigners and idolaters in their religion, allowed himself to be persuaded by them to erect idol shrines (**1 Kings 11:1-8**). It is evident that those of another race are not going to possess the spiritual insight to worship the God of Israel – Jesus Christ.

This same principle applies even to those of our own race who are not believers of the true God of Israel and followers of His laws. Marriage of a true believer and follower of God with a nonbeliever is destined to be a one way ticket to hell, unless one gives in to the beliefs of the other, thus giving up part or all of their belief.

Believers and unbelievers will always be in natural conflict and no productive fellowship or partnership can result from such opposite viewpoints. This is what Paul was expounding upon to the early Christians:

> 14 Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?
>
> 15 And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?
>
> 16 And what agreement hath the temple of God with idols? for ye are the temple of the living God; as God hath said, I will dwell in them, and walk in them; and I will be their God, and they shall be my people.
>
> 17 Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you.[8]

A point that needs to be addressed here is that this issue of dealing with "unbelievers," is not as clear cut of a situation as with race. This seems to be due to the various "Christian denominations" which prevail today. It is usually easy to discern if one is a white Israelite or not, but who or what constitutes a believer?

Many in the Christian denominations will use the above passage in the Bible to say you are not to marry outside your denomination;

8 2 Corinthians 6:14-17.

e.g. Baptists marrying Lutherans or Catholics marrying Protestants etc. But it was this same writer, Paul, who spoke against divisions and denominations in Christianity in the first place (**1 Corinthians 1:10**). So we know that these people are incorrect.

From the above passage, it is obvious that there is a distinct and sharp contrast between a believer and unbeliever. Note the examples that are used: *"light with darkness,"* or *"Christ with Belial,"* or *"God with idols."* It seems an unbeliever carries a strong negative connotation and is equated with an "infidel." This word comes from the Greek word *apistos* (Strong's # 571), which means; *disbelieving, i.e. without Christian faith (specially a heathen), untrustworthy person that believes not, faithless.* If one does not believe in the Christian faith it is because they do not believe in Jesus Christ. Thus, this would not necessarily apply to any Christian Denomination, as an unbeliever is someone who rejects Christ teachings, not necessarily one who accepts them but may be in error regarding some of their meanings.

The marriage of a believer with a nonbeliever or infidel is truly a "mixed marriage," destined to be abrasive and unstable. If you are to have any consolation in Christ, you can never fully have it when married to one who does not believe and understand Christ and His Kingdom as you do.

> 1 If there be therefore any consolation in Christ, if any comfort of love, if any fellowship of the Spirit, if any bowels and mercies,
>
> 2 Fulfill ye my joy, that ye be like-minded, having the same love, being of one accord, of one mind. [9]

Thus, a believer should seek a mate that is also a believer or who is "like-minded" in the understanding of our duty to and covenant with God Almighty.

Likewise, for those who have transcended out of the denominations (to whom this material is actually addressed), and understand the truths of the Bible in its racial and covenant perspectives, you are no longer of "like-mind" with any such "denominations." It is denominational Christianity that has let our

9 Philippians 2:1-2.

people down and led them into false beliefs. Once you know all these facts, fellowship and/or marriage with them will be difficult.

Such unions as warned against here are usually rare. The problem that is more prevalent is when two persons become married who are not believers or are deceived under denominational religion, and then afterwards one becomes a true believer. What are we to do in this case? Paul also gives some insight to this situation in **1 Corinthians 7:12-15**:

> 12 If any brother hath a wife that believes not, and she be pleased to dwell with him, let him not put her away.
>
> 13 And the woman which hath an husband that believes not, and if he be pleased to dwell with her, let her not leave him.
>
> 15 But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace.

This last verse does not refer to a divorce but rather says that the unbeliever can "depart," which, as a last resort, is only a separation.

If we as Christians are to believe in our God, Creator and Saviour and His Commandments, it would certainly be counterproductive towards those ends to fellowship, let alone marry, a nonbeliever.

> 20 . . . Believe in the LORD your God, so shall ye be established; believe his prophets, so shall ye prosper. [10]
>
> 9 . . . If ye will not believe, surely ye will not be established. [11]

If we wish God to help us to build up and support our belief and trust in Him, we cannot mix the belief we do have with unbelief. It is as unnatural as mixing "light with darkness" or "Christ with Belial" and it will only make it more difficult for us to prosper.

## DUTIES AND RESPONSIBILITIES OF THE HUSBAND

There are several obvious and distinct differences between the duties and responsibilities required of a husband from those required of the wife, due to the obviously distinct nature of their beings. Thus,

10 2 Chronicles 20:20.

11 Isaiah 7:9.

the foundation for any such duties lie not only in Scripture, but also in nature itself.

**Husband to be head of the family:** Throughout the Bible we see examples of the patriarchal family unit with the husband or oldest male as the head of the family or house. The word "house" as used in the Bible (Strong's #1004) frequently means the same as "family" and constitutes all members and property of the house. When it is used in this context it is always associated with a male or some masculine term as being the head of it. Thus we find it in the context of such phrases as "father's house," or "Joseph's house," or "house of David," or "house of Israel," or "God's house" or some other such usage, always designating some male figure as the head of the house.

The husband or head of the house was ultimately responsible for his household and was identified as the one in control of the affairs of his household. Such was the case with Abraham where God identified Abraham as the one in control of the affairs of his household:

> 19 For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him. [12]

Thus the ultimate responsibility for how his house was conducted rested with Abraham because the higher authority in the family rested with Abraham, not Sarah. The fact that the man or husband was to be in a position of headship over the wife was ordained by God with our ancestral parents, Adam and Eve:

> 16 Unto the woman he said, . . . thy desire shall be to thy husband, and he shall rule over thee. [13]

Today we have a host of liberals, feminists, and other fools running around trying to divert both men and women away from this principle and desperately attempting to discredit it. They claim that such a principle is degrading to the women or suppresses them into

12 Genesis 18:19.

13 Genesis 3:16.

slavery, while they assert the principle that the women should be free and independent. While they make this sound right, when put into practice it results in definite problems. Whenever there is propaganda against Biblical principles and laws you can be assured the children of Satan are the instigators. The more intensely they attack such a principle is an indicator as to how important and beneficial that principle or law is in our lives.

The picture these modern day serpents try to put in our minds of women as a downtrodden slave and persecuted by the husband due to this Biblical precept, has no Scriptural foundation at all. The principle that God established making the husband's role as head of the family is based on pure and simple logic.

If the husband and wife are to live together and be as "one flesh," then one of them has to have the final say in matters. Human history has shown that two minds are never in perfect harmony. In a husband and wife relationship for example, if one were to say "yes" to something and the other "no," what fact is to be established? If they are "one flesh" then they can have only "one" voice, not two, and that voice is of the husband in any dispute or conflict. For both the husband and the wife to have equal authority would obviously be chaotic and the household would be in total confusion, as is the case today. The word "Babylon" means confusion and this is exactly what the children of Satan wish for our people.

No one would ever conceive of an army having no leader with every one having equal rank and authority and each doing as they see fit (free and independent). It would be total chaos and confusion and nothing could ever be accomplished. There has to be a leader, one who has the highest authority and has the final say in matters. In the family, the husband is the leader and has the final say over others in his house (see **Numbers 30:2-13**). Thus, there needs to be this type of hierarchy of authority in the family. The Scriptures point this out as follows:

> 23 For the husband is the head of the wife, even as Christ is the head of the church: and he is the saviour of the body.
>
> 24 Therefore as the church is subject unto Christ, so let the wives be to their own husbands in every thing. [14]

Here we see the comparison of authority that exist with Christ and the church that we should try to apply to our marriages.

> 3 But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.[15]

We thus see the logic behind this hierarchy. Also, the overall picture given us in these passages helps us to understand that the physical aspect of the husband's authority being similar to and as important as the spiritual aspect of Christ's authority.

**The Husband is to provide for and protect the family:** A husband has the responsibility to protect, defend, and provide for those members of his household. Just as Noah built an ark to protect his family from the Flood, a husband needs to provide for and prepare for all aspects of his family's security, whether it be physical, financial, mental, or spiritual. Such was the case with Abraham, who armed his servants to rescue his nephew Lot taken captive by foreign tribes (**Genesis 14:14-16**).

The patriarch of the family was the owner and source of land, goods, money, food, shelter, etc., and was expected to secure these for his household. This was evidently Jacob's concern when he was working for Leban, and after building up Leban's estate finally reached a point of frustration stating: *"and now when shall I provide for mine own house also?"* (**Genesis 30:30**). Jacob knew that this was an ultimate responsibility for him and was concerned about fulfilling it.

The Scriptures also state that a man who will not provide for his household is worse than an infidel:

> 8 But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel. [16]

To provide for one's own "house" becomes one of the most burdensome and difficult responsibilities a man will ever have to face during his lifetime. Thus, it is one many underestimate in scope and

14 Ephesians 5:23-24.

15 1 Corinthians 11:3.

16 1 Timothy 5:8.

in what is actually involved with it and required of him. A man must first establish the means of providing for his "house" before he establishes that house through marriage.

**A Husband is to Love and Honor his Wife:** Although the husband is head of the house over his wife, he has a duty to care for her with love and honor as much as he would love and honor himself:

> 25 Husbands, love your wives, even as Christ also loved the Church, and gave himself for it;
>
> 28 So ought men to love their wives as their own bodies. He that loves his wife loves himself.
>
> 29 For no man ever yet hated his own flesh; but nourishes and cherishes it, even as the Lord the church:
>
> 30 For we are members of his body, of his flesh, and of his bones.
>
> 31 For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh.
>
> 32 This is a great mystery: but I speak concerning Christ and the church.
>
> 33 Nevertheless let every one of you in particular so love his wife even as himself; [17]

A husband and wife are definitely "one" entity when married, and that entity includes the "house" or family, which both the husband and wife are a part of. Thus, if the husband hates his wife he hates himself, if he does harm to his wife he does harm to himself. Christ, although head of the church, would never do anything to harm the church because "Christ also loved the church."

When we actually stop and think of how much Christ loved the church, giving himself for it, this is the same way the husband is to love his wife. There is to be no hatred, no animosity, no lack of affections, and no resentment of her.

> 19 Husbands, love your wives, and be not bitter against them. [18]
>
> 3 Let the husband render unto the wife due benevolence: and likewise also the wife unto the husband. [19]

17 Ephesians 5:25, 28-33.

18 Colossians 3:19.

19 1 Corinthians 7:3.

The love, respect, and honor a husband owes his wife is likewise based on logic. The premise being that any other attitude would weaken the family, and even be potentially disruptive to the house or family unit – leaving the marriage and family as unstable as many of the savage tribes who often take undue advantage of the weaker sex.

> 7 Likewise, ye husbands, dwell with them (your wives) according to knowledge, giving honor unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life; that your prayers be not hindered. [20]

In examining the unloving and even cruel manner in which the male of primitive races treats his wife, it is easy to understand the retarded societies they produce. There can be no unity or stability in a family with an uncaring leader – the husband.

**The Husband is responsible for discipline and education of children:** Since the husband is head of the household and responsible for the affairs therein, he must bear the responsibility to see that the children of his house are properly disciplined and educated. The husband or father, being in the position of authority, is to be the primary source of discipline just as the authority of our discipline comes from God – our Father:

> 5 Thou shalt also considered in thine heart, that, as a man chasteneth his son, so the LORD thy God chasteneth thee. [21]

> 12 For whom the LORD loves he corrects; even as a father the son in whom he delights. [22]

> 7 If ye endure chastening, God deals with you as with sons; for what son is he whom the father chastens not? [23]

A father is also responsible to see that the children are receiving proper education, especially in the area of God's word. Our blessings in life were dependent on our ability to keep God's law. Thus, it is imperative it be taught diligently to our children. Further the Word of God is part of our heritage, and the father is responsible

20 1 Peter 3:7.

21 Deuteronomy 8:5.

22 Proverbs 3:12.

23 Hebrews 12:7.

to pass on that heritage to their children, as Abraham passed it on to his children, so they would *"keep the way of the LORD."*

> 6 And these words, which I command thee this day, shall be in thine heart:
>
> 7 And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. [24]

The fathers are to "make known to their children" the law which God had "appointed in Israel," using Biblical history as an example, to "set their [the children's] hope in God" and to avoid the folly of the "rebellious generations" of the past (**Psalms 78:5-8**).

Discipline and education often need to go hand in hand to keep a child from departing from its course of instruction. Thus, the natural depravity of our being requires the educational process of children to have continual correction and training in the way of God.

> 4 And, ye fathers, provoke not your children to wrath: but bring them up in the nature and admonition of the Lord. [25]

The failure of a father to see that his children are taught in the wisdom of God's word, results in a foolish child that is a grief to his father (**Proverbs 17:24-25**).

## DUTIES AND RESPONSIBILITIES OF THE WIFE

Many of the duties and responsibilities of the wife are actually the counterpart to or supplement of the husband's duties and responsibilities. This is what a *"help meet"* was to be - a counterpart of the husband to compliment and aid the husband not to work against him. The woman was created for the man (**1 Corinthians 11:9**), which would indicate there was something incomplete or insufficient in the man alone which warranted the woman's creation. Thus a need for a partnership between them exists. But the woman, being created separately out of Adam is noted as being *"of the man"* (**1 Corinthians 11:8**), and thereby naturally occupies a different position and status from that of man (Adamic man).

24 Deuteronomy 6:6-7. See also Deut. 4:9-10; Deut. 11:18-19.

25 Ephesians 6:4.

**Wife is to Obey and be in Subjection to her Husband:** This is actually the flip side of the precept which designates the husband as head of the wife and family. Common sense tells us there cannot be two heads to one body or unit, whether that unit be the State, an army, an organization, or a family. There can only be one head to the body to which all other members need to be obedient to:

> 1 Likewise, ye wives, be in subjection to your own husbands; that, if any obey not the word, they also may without the word be won by the conversation of the wives;
>
> 5 For after this manner in the old time the holy women also, who trusted in God, adorned themselves, being in subjection unto their own husbands:
>
> 6 Even as Sarah obeyed Abraham, calling him lord: whose daughters ye are, as long as ye do well, and are not afraid with any amazement.[26]

The fact that the woman is in subjection to her husband, does not conclude that the woman is inferior to the man (as the liberals assert) but that they each have specific roles in the family. The woman is not a second class person, as her subjection is only to her husband.

> 18 Wives, submit yourselves unto your own husbands, as it is fit in the lord.[27]

Thus, in order for the family unit to function properly and efficiently, the wife should not try to usurp authority over her husband **(1 Timothy 2:12)**.

**A Wife is to Love her Husband and Children:** For a wife to be obedient to her husband requires her to love her husband, without that love the faithfulness to follow and support him would not exist.

> 3 The aged women likewise, that they be in behavior as becometh holiness, not false accusers, not given to much wine, teachers of good things;
>
> 4 That they may teach the young women to be sober, to love their husbands, to love their children,
>
> 5 To be discreet, chaste, keepers at home, good obedient to their own husbands, that the word of God be not blasphemed.[28]

26 1 Peter 3:1, 5, 6.

27 Colossians 3:18. See also Ephesians 5:22.

28 Titus 2:3-5.

Actually, very little needs to be required of a mother in loving her children, the natural bond between them is the compelling force here. But just as it is required of the husband to love and honor his wife, likewise the wife is to reverence her husband (**Ephesians 5:33**). These passages above also point out the responsibility of the **wife to be keepers of the home.**

**Wife is to aid in Educating and Disciplining Children:** Many of the precepts herein have caused difficulties in our present-day debauched society due to poor education of children. This is why the above passage point out that it is the duty of the woman to *"teach the young women."* They are to teach their daughters and their granddaughters the principles found in the Bible, thus being *"teachers of good things."*

Although the husband has the main authority and responsibility in the discipline and education of a child, it could never be effectively done without the aid of the wife. In fact, it is not uncommon for most of the education and discipline of younger children to come from the mother. Thus, a spoiled and ill-mannered child is usually a reflection of the mother's inabilities in child training.

> 15 The rod and reproof give wisdom: but a child left to himself brings his mother shame.
>
> 17 Correct thy son, and he shall give thee rest; yea, he shall give delight unto thy soul. [29]

Training a child requires the mutual efforts of both parents to keep the child on a righteous path.

> 6 Train up a child in the way he should go: and when he is old, he will not depart from it. [30]

As long as both parents are "believers" of God's word, this can be an easy task. But how can this be done if one is a believer and one an unbeliever?

**A Wife is to be a Virtuous Woman:** Webster's 1828 Dictionary describes virtuous as: *"Morally good; acting in conformity to the moral law; practicing the moral duties; and abstaining from vice."*

29 Proverbs 29:15 & 17.

30 Proverbs 22:6.

Since the only source of morality in western civilization has been the Bible, it would seem that for one to be a "virtuous woman," she would have to be knowledgeable of, and practice, Biblical precepts. Not only should women try to attain this attribute (despite the opposition to it from the "world"), but a virtuous woman is one that a man should seek as a wife.

> 4 A virtuous woman is a crown to her husband: but she that makes ashamed is as rottenness in his bones. [30]
>
> 10 Who can find a virtuous woman? for her price is far above rubies.
>
> 11 The heart of her husband does safely trust in her, so that he shall have no need of spoil.
>
> 12 She will do him good and not evil all the days of her life. [31]

A virtuous woman would be regarded as a true "Lady," which Webster says is *"any woman of genteel education."* "Genteel" meaning a woman that is *"well bred, polite, easy and graceful, having genteel manners, refined, free from anything low or vulgar."*[32]

## DIVORCE

Divorce is the most talked about and debated subject surrounding marriage, with scores of literary works dealing with this issue. Unlike most other topics, such as murder, rape, kidnapping, burglary, or idolatry, which are perceived as being clearly wrong by all, the issue of divorce hangs in limbo. With the subject of divorce, especially today, there seems to exists much doubt and debate as to whether it is wrong or not. In many instances, divorce is by implication considered as a possible or even an acceptable outcome of marriage. The only true answer to such a moral question can only be found in the Bible.

In the Bible, we also find a debate on this issue of divorce between Jesus Christ and the Jewish Pharisees. In **Matthew, Chapter 19**, is recorded one such account of this dispute over divorce:

30 Proverbs 12:4.

31 Proverbs 31:10-12. See also verses 13 through 31.

32 Noah Webster, *American Dictionary of the English Language*, (1828).

3 The Pharisees also came unto him (Christ), tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause?

4 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female,

5 And said, for this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh?

6 Wherefore they are no more twain, but one flesh. What therefore God has joined together, let not man put asunder.

7 They say unto him, Why did Moses then command to give a writing of divorcement, and put her away?

8 He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so.

9 And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, commits adultery: (and whoso marries her which is put away does commit adultery. [34]

In order to understand what Christ was saying here we first need to understand the meaning of the terms; "put away," "fornication," and "adultery."

**Put away:** The words "put away," as used in **Matthew Chapter 5** and **19**, **Mark 10:2-12**, and **Luke 16:18** are actually one word in the Greek, which is **apoluo** (*ap-ol-oo'-o*), Strong's *#630*. Also, the word "divorced," in **Matthew 5:32**, is this same Greek word *apoluo.* The following authorities would also indicate that *apoluo* means divorce:

630 *apoluo;* to free fully, i.e. (lit.) relieve, release, dismiss (reflex. depart), or (fig.) let die, pardon, or (spec.) divorce:—(let) depart, dismiss, divorce, forgive, let go, loose, put (send) away, release, set at liberty. [35]

Apoluo: 1. to set free, to liberate one from a thing (as from a bond), Lk. xiii. 12. 2. to let go, dismiss, (to detain no longer); 3. to let go free, to release; 4. used of divorce, to dismiss from the house, to repudiate: Mt. i. 19; v. 31-32; xix. 3, 7-9; Mk. x. 2, 4, 11; Lk. xvi. 18; [1 Esdr. ix. 36]; and improperly a wife deserting her husband as said in Mk. x. 12. [36]

34 A similar account of this is found in Mark 10:2-12.

35 James Strong, *"Strong's Exhaustive Concordance of the Bible."*

36 Joseph Henry Thayer, D.D., *"Thayer's Greek-English Lexicon of the New Testament,"* 1889, by Harper & Brothers.

The word *apoluo* implies to "free fully" as to liberate and release which would be a divorce in that the marriage bond is completely severed, and would not mean a separation in which the marriage bond still exists. *Apoluo* means to dismiss or set free one from such a bond.

**Adultery:** The word adultery as used in the passages under consideration comes from the Greek word **moichao** (*moy-khah'-o*), Strong's *#3429*. Its meaning is *"to have unlawful intercourse with another's wife."*[37] Usually a married woman has to be involved for adultery to take place. Its meaning here is the same as use in **Leviticus 20:10** where the death penalty is required for both parties involved in adultery:

> 10 And the man that commits adultery with another man's wife, even he that commits adultery with his neighbor's wife, the adulterer and the adulteress shall surely by put to death. (See also Deuteronomy 22:22-24 and Romans 7:2-3).

This basic biblical law regarding adultery was followed under English and American law.

> ADULTERY. Adultery is the unlawful voluntary sexual intercourse of a married person with one of the opposite sex, and when the crime is committed between parties, only one of whom is married, both are guilty of adultery. Cook v. State, 11 Ga. 53, 56 Am. Dec. 410; State v. Mahan, 81 Iowa 121, 46 N.W. 855.[38]

**Fornication:** The word fornication used here in Matthew 19, is from the Greek word **porneia** (*por-ni'-ah*) which is Strong's *# 4202*. This word can refer to several things but *"generally means illicit sexual intercourse."* [39] It thus is also used to refer to harlotry, incest, or adultery. When a married woman is involved in fornication it results in adultery.

In view of Matthew 5 & 19, Mark 10, and Luke 16, it is important to ascertain just what Christ is saying as well as what he is not saying. Christ did not specifically state that one could not "put away" or divorce his wife or her husband in any of the above passages. The

37 Ibid.

38 *Black's Law Dictionary,* 2nd Edition, (1910), p. 41.

39 *Thayer's Greek-English Lexicon of the New Testament.*

specific restriction here is on the remarriage of one that is "put away" or divorced (*apoluo*):

> 31 It hath been said, Whosoever shall put away [apoluo] his wife, let him give her a writing of divorcement:
>
> 32 But I say unto you, That whosoever shall put away [apoluo] his wife, saving for the cause of fornication, causes her to commit adultery: and whosoever shall marry her that is divorced [apoluo] commits adultery. (Matthew 5:31-32)

The only time that a remarriage is apparently recognized in the New Testament is by the death of one of the parties:

> 39 The wife is bound by the law as long as her husband liveth; but if her husband be dead, she is at liberty to be married to whom she will; only in the Lord. [40]

What Christ was basically saying is that divorce **and** remarriage are not acceptable except in the severe case of fornication of the wife, which would be adultery and punishable by death (Lev 20:10). Also if any one would divorce and remarry for any other reason it would be considered adultery and would likewise be subject to the death penalty. This would appear to be an extremely harsh rule and no doubt impossible for all to live by. It seems to leave no room for such cases as extreme cruelty, abandonment or desertion, failure of a husband to support his wife and children, insanity, etc. Even the disciples were perplexed at what Christ had said here thinking that it wasn't even worth getting married if this is the way it is to be. However, Christ explained to the disciples that this precept was not for everyone:

> 10 His disciples say unto him [Christ], If the case of the man be so with his wife, it is not good to marry.
>
> 11 But he said unto them, All men cannot receive this saying, save they to whom it is given (Matthew 19:10-11).

In the **Fenton** Translation verse 11 reads; *"All cannot accept this doctrine; indeed none but those to whom it is granted."* Here Christ is stating that this precept is not intended for every one but rather only for those to whom it was given to. In other words, this precept can only apply to those that knew of it at the time they were married, being given to them as proper Christian education. This then is

40 1 Corinthians 7:39.

another reason why there have been fewer divorces in Christian nations than in others. But Christ knew that all would not receive such training and others would not listen to the Christian way of life - that is the Biblical precepts such as those regarding marriage previously covered herein. This then does not specifically rule out divorce **and** remarriage *per se,* but it does rule it out, however, for those who have been given true Christian understanding regarding marriage and divorce.

**Christ did not change the Old Testament Law on Divorce:** There is nothing that Christ had said about marriage, divorce, or adultery that contradicts the laws regarding such in the Old Testament. In His debate with the Pharisees in **Matthew 19** and **Mark 10**, we see that the Pharisees wanted Christ to give a ruling on divorce *"for every cause,"* but he focuses the issue to the Divine intention that was expressed in the creation of Adam and Eve. Christ states that from the beginning it was never the intention for a man and wife to divorce, in other words, there was no Divine plan for divorce, only marriage.

It seems that the Pharisees of that time (and today) tried to take what Moses said and apply it to divorce in general. Christ corrected there perverted thinking by asserting the Divine intentions of a man and wife in stating a man can never put away his wife except for "fornication." This was the ideal Christian precept as Christ never did expound upon specific remedies for the unbeliever or non-Christian who was married. The Old Testament law that was being referred to in Matthew 19 and Mark 10, is in **Deuteronomy, Chapter 24**:

> 1 When a man hath taken a wife, and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.
>
> 2 And when she is departed out of his house, she may go and be another man's wife.

We see here that this "bill of divorcement" was not given "for every cause" as the Pharisees had applied and distorted its meaning. It was allowed for the sole purpose of some "uncleanness" that was discovered with the woman which was an unknown fact prior to the

marriage. What then was meant here by "uncleanness?" This word comes from the Hebrew word *ervah* and is always translated as "nakedness" except in this one passage and one other. It is difficult to say exactly what this was (perhaps harlotry or some sort of disease), but whatever it was, it was rather severe and repugnant and unknown prior to the marriage. This could constitute a case of fraud because if this "uncleanness" of the woman had been "found" out prior to the marriage, it is likely the man would not have married her.

Thus, as in all contracts, a marriage procured by fraud is null and void as though it never transpired, therefore the woman could remarry. However, if the man had compassion towards the woman he could have kept her as his wife. But it was "because of the hardness of their hearts" that this precept was written. This is the only thing Christ stated about this Mosaic precept of "divorce." He did not explain the precept but only stated the intent of the Moses for having given this law. Moses knew the stiff-necked and carnal nature of man, and that he would not always accept or be forgiving of a woman he married who was found to be "unclean." Although he should have kept her as his wife as one with compassion would have done.

We also see in verses 3 and 4 of Deuteronomy 24, that if this woman had married again and "the husband hate her" he could write a "bill of divorcement," but she could not remarry her former husband because "after that she is defiled." There is also a precept in the Old Testament that would seem to allow a divorce where there is a lack of support by the husband (**Exodus 21:10-11**). However, nothing is mentioned here regarding remarriage, either for or against it.

It is clear that a written "bill of divorcement" was allowed in the Old Testament for specific reasons. In fact, God Himself had divorced Israel for whoredom with other gods which caused Israel to "commit adultery" (**Jeremiah 3:6-9**).

Today many fundamentalist, referring to **Matthew 5:31-32**, have used these verses to state that divorce was allowed in the Old Testament but Jesus came along and changed that. But what are the grounds for this position? First of all if the God of Israel that gave Moses this commandment, why would he come along and change it? Does God change his mind? It was this same God of Israel who

said; *"For I am the LORD (YHVH), I change not"* (**Malachi 3:6**). Secondly, they don't even know what was said in the Old Testament regarding this precept. And thirdly, they are believing in the Pharisaic version of divorce regarding the Mosaic law, just as did the people in Christ's time. The Pharisees were taking this one precept of divorce (Deut. 24:1-4) and turning it in to an all-exclusive clause so people could divorce "for every cause." They were promoting divorce.

Thus, when Christ stated, *"It hath been said . . . ,"* He was not referring to the Mosaic Law in the O. T., but rather was referring to the perverted doctrine of the Pharisees that prevailed at that time. They had distorted the true meaning of the Law and then established that perversion as the Law, thus *"making the commandment of God none effect by their traditions"* or doctrines (**Matthew 15:6**). This same doctrine of the Pharisees prevails with us today. Have you ever noticed how the secular, humanistic and anti-Christian media, with its TV, movies, books, etc., is always glamorizing and glorifying divorce, and making a divorced person (especially a divorced woman) an attraction and a desirable person to be introduced to or marry?

**Conclusions:** Based on the precepts in the Old and New Testaments, the following conclusions are listed regarding divorce:

- *The Divine intention of marriage is for man and woman to be "one flesh" which should not be "put asunder" (separated).*
- *A "Bill of Divorcement" can be initiated by the wife for specific violations of the marriage covenant.*
- *A husband can only divorce his wife for fornication (adultery).*
- *The New Testament does not prohibit divorce but does prohibit a divorced Christian from remarrying in certain cases.*
- *Separations were recognized but those separated could not remarry (1 Corinthians 7:10-11, 15).*
- *Since "God has joined together" the husband and wife, marriage is a three-party covenant, and it cannot be dissolved at the mere request of those married.*
- *Death of one married allows the other to remarry. Christ only recognized remarriage in the case of fornication or adultery since the penalty for this was death.*

# 3

# COLONIAL MARRIAGE LAWS

*Our ancestors were entitled to the common law of England when they emigrated, that is, to just so much of it as they pleased to adopt.*

– John Adams, *Novanglus,* 1775

*We take it to be a clear principle that the common law in force at the emigration of our ancestors is deemed the birthright of the colonies, unless so far as it is applicable to their situation, or repugnant to their other rights and privileges.*

– Justice Story - U.S. Supreme Court
*Town of Pawlet v. Clark,* 13 U.S. 333 (1815)

Many patriots today equate our common law with the English common law. However, American common law is not the same as or equal to the old English common law although they share many of the same precepts. The English common law, as good as it was, had a major flaw running through it and that was that it recognized two kings or two sovereigns – the crown and Jesus Christ. This naturally resulted in many conflicts in English history, one of which led to the forcing of King John to sign the *Magna Carta* in 1215.

The American colonists who established our American common law realized the problem of the English common law. They realized that "no man can serve two masters" (Matt. 6:24). In establishing their governments they thus left out many of the precepts of the English law that dealt with the King, adopting only those laws that worked for them, and adding other laws and charters based on the precepts of that other Sovereign – Jesus Christ. This, of course, resulted in so much conflict with the crown that King George refused the colonists their rights as Englishmen under the common law. The trial and inflictions upon the colonists is a matter of history, and their continual struggle against human law led to our independence.

The Declaration of Independence severed us from the crown in England thus preserving the purified American Common Law that prevails today. When the *Articles of Confederation and Perpetual Union* was ratified it secured all laws and rights established by the colonial states pursuant to its second and fourth articles. This, of course, was maintained with the ratification of the Constitution of the United States. Thus, all valid laws, State Constitutions, Charters, Compacts, and individual rights established prior to 1787, when the Constitution of the U. S. was signed, are referred to the **Organic Law**[1] of the land. This means that all these colonial laws, including the Articles of Confederation and the U.S. Constitution, are our "Constitution" for they constitute the body of valid laws of the land.

As an example, when the Supreme Court recently held that a Georgia law, making homosexual conduct unlawful, was "constitutional," we might ask; where does it say anything in the Constitution of the U.S. regarding homosexuality? We find that it says nothing about it, however, most of the colonies, Georgia included, had laws against sodomy and homosexual conduct. Thus, sodomy or homosexual conduct is not protected as a right in America and laws against them are deemed to be "constitutional."

Any laws enacted by congress or the States after the ratification of the U.S. Constitution, must be consistent with the Organic Law and anything to the contrary we need not abide by. Also, since our country and our common law has a Divine origin founded on the precepts of the Bible, we find no real conflict between our Organic Law and the Law of God as expressed in the Bible.

The explanation of all of this is necessary so we can appreciate and understand the importance of colonial laws relating to marriage in America. If we are to live in America and be Americans, we must be cognizant of and abide by American Law – the Organic Law of the land. It thus follows that if we want to be married in America as White Christian Americans, it must be done lawfully or "pursuant to the Organic Law of the United States."

1 ORGANIC LAW: The fundamental law, or constitution, of a state or nation, written or unwritten. (*Black's Law Dictionary,* 2nd Ed., 1910.)

Throughout the colonies marriage was held in high esteem, therefore, careful consideration was given to the nature of marriage laws enacted. The marriage records and documents of colonial America do indeed bear the influence of the early common law of England. Yet, from the very beginning of colonization, we see definite signs of marriage practices being established that were contrary to those in England. Perhaps the most significant principle adopted by the colonists, that was contrary to that in England, was that they held marriage to be a civil contract rather than a religious sacrament.

This becomes rather shocking to many today especially in light of what we are led to believe about the Pilgrims, and also in the fact that most today view marriage as a religious matter rather than a civil thing. The problem with modern history is that it tends to picture the Pilgrims and early colonists as being flagrantly religious, therefore leading us to assume they practiced religious marriage rites. However, they were not religious and did not practice religious marriage rites. They were Christians who were very learned in the Bible and held fast to its teachings and precepts. Failure to understand the difference between Christianity and religious practices has caused much confusion in America for some time.

We need to remember that it was while the Pilgrims were in England that they grew intolerable to "religious persecution." While there, they were subject to a state religion (the Church of England) and pursuing disagreements with it led to their separation from it, thus they were called "separatists."

As many of them had fled to Holland, they had there found it very agreeable to their ideas that marriage was regarded as a civil contract, and not a sacrament. They brought the same thought with them to America, where, moreover, they were confronted with novel conditions that would have made it difficult, if not impossible, to conform to the law and the ecclesiastical requirements of the mother country.[2]

2 William Nelson, *"Documents relating to the Colonial History of the State of New Jersey,"* Vol. XXII, Marriage Records : 1665 - 1800, 1900, p. lviii.

Writing under the date of 1621, **Governor William Bradford**, of the **Plymouth Colony**, wrote the following regarding the first marriage in the colony:

> May 12 (1621) "was Ye first marriage in this place (Edward Winslow to Susannah White, widow of William White, who died Feb. 21, 1621) which, according to Ye laudable Custome of Ye Low-Cuntries in which they had lived, was thought most requisite to be performed by the magistrate, as being a civill thing, upon which many questions aboute inheritances doe depende, with other things most proper to their cognizans, and most consonant to Ye Scriptures, Ruth 4, and no wher found in Ye gospell to be layed on Ye ministers as a part of their office. This decree of law about marriage was published by Ye State of Ye Low-Cuntries An°: 1590. 'That those of any religion, after lawfull and open publication, coming before Ye magistrate in Ye Town or Stat-house, were to be orderly (by them) married one to another.' Petet's Hist., fol: 1029.[3] And practiss hath continued among not only them but hath ben followed by all Ye famous Churches of Christ in these parts to this time, - An°: 1646." [4]

Edward Winslow, who was Governor of the Colony in 1633, 1636, and 1644, returned to England in 1634-35, and was brought before the Lord Commissioners of Plantations in America. He was accused of taking part in Sunday Services and of conducting civil marriages. Winslow was questioned by the Archbishop of Canterbury about the practice concerning marriage in Plymouth. Bradford writes: *"He confessed that haveing been called to place of Magistracie, he had himself married some. Further he tould their Lord that marriage was a civille thinge, & he found no wher in Ye word of God that it was tyed to ministrie, again, they were necessitated so to doe, having for a long time together at first no minister; besides, it was no new thing, for he had been so married him selfe in Holand, by Ye magistrates in their Statt house."*[5] Winslow had also been imprisoned in the Fleet prison during that same year (1634) in England.

3 Jean Francois le Petit, *"La Grande Chronique Ancienne et Moderne, de Hollande, Zeelande, etc."* (Dordrecht, 1601). The province of Holland had established civil marriage in 1580.

4 *"History of the Plymouth Plantation,"* by William Bradford, the Second Governor of the Colony. Collections Mass. Hist. Society. Fourth Series, Boston, 1856, III., p. 101.

5 Ibid., p. 330. And see *"The Story of The Pilgrim Fathers, 1606—1623 A.D.,"* Edited by Edward Barber, London, 1897, p. 164, 365, 366.

In further expanding upon the subject of marriage, The General Court of **Plymouth Colony**, enacted on November 15, **1636**, the following marriage act:

> "That none be allowed to marry that are under the covert of parents but by their consent and approbation; but in case consent cannot be had, then it shall be with the consent of the Governor or some assistant to whom the persons are knowne, whose care it shall be to see the marriage be fitt before it be allowed by him, and after approbation be three severall times published before the solemnising of it. Or else in places where there are no such meetings that contracts or agreements of marriage may be so published that then it shall be lawful to publish them by a writing thereof made and set upon the usual publike place for the space of fifteene days, provided that the writing be under some magistrate's hand or by his order." [6]

The statements of Bradford, and that of the above Plymouth law, also reveal another important aspect of a "lawful marriage," that is the publication of the marriage before being solemnized. The General Court of **Massachusetts Bay** passed an act, September 9th, **1639**, that was enacted *"For prevention of all unlawful marriages,"* which provided:

> "Henceforth no persons shall be joined in marriage, before the intention of the parties proceeding therein hath been three times published, at some time of publick lecture or town meeting, in both the towns where the parties or either of them do ordinarily reside, or be set up in writing upon some post of their meeting house door in public view, there to stand so as it may be easily read, by the space of fourteen days." [7]

The General Court of **Plymouth**, in an act passed June 4, **1645**, had defined a lawful contract of marriage (preliminary to the marriage itself) to be *"the mutuall consent of two parties with the consent of parents or guardians (if any there be to be had) and a solemme promise of marriage in due tyme to each other before two competent witnesses."* [8] Other acts provided for the registration of marriages, etc., with the town clerk. The policy behind such colonial marriage laws was to see that the marriage covenant was kept.

6 *Records of the Colony of New Plymouth in New England, etc.,* Edited by David Pulsifer. Vol. XI.. Laws, 1623-1682. Boston, 1861, p. 13, 190.

7 *Charters and Laws of Massachusetts Bay,* 1628 to 1779, (Boston, 1814), p. 151.

8 *Records of the Colony of New Plymouth in New England,* p. 46.

Although there were no minister at first in the colony, many came, particularly from England, as the colony grew. Some of the clergymen retained their old-world notions of their prerogative in the celebration of marriages, and occasionally exercised the same through religious ceremonies. Consequently, the General Court of **Massachusetts Bay** enacted in **1647** the following:

> "As the ordinance of marriage is honorable among all, so should it be accordingly solemnized; it is, therefore, ordered; That no person whatsoever in this jurisdiction shall join any persons together in marriage, but the magistrate, or such other as the general court or court of assistants, shall authorize in such place, where no magistrate is near. Nor shall any join themselves in marriage but before some magistrate or person authorized as aforesaid. Nor shall any magistrate or other person authorized as aforesaid, join any persons together in marriage, or suffer them to join together in their presence, before the parties to be married have been published according to law." [9]

The foregoing statute, it should be observed, virtually prohibited clergymen from celebrating marriages, and also prohibited clandestine (secretive) and informal marriages. Informal and clandestine marriages are disruptive to society as a whole, causing many marital and parental problems, and are thus best suited for animals, not civilized people. It is even unusual among the more primitive tribes of the world for such marriages to be practiced. Marriage in the colonies was viewed as both sacred and civil, and thus it should be done properly, along with giving the public at large due notice since each marriage has an impact on society.

The civil control over marriage in the **Massachusetts Colony** was again asserted in May, **1656**, when it was ordered by the General Court:

> "That from henceforth any one of the three commissioners for ending small causes in the several towns where no magistrate dwells shall and hereby are authorized and empowered to solemnize marriage between parties legally published, provided two of the said commissioners be present." [10]

9 *Charters and General Laws of the Colony and Province of Massachusetts Bay,* Boston, 1814.

10 *Records of the Colony of Massachusetts Bay,* Vol. III., p. 398.

The first settlers of Connecticut closely followed the Plymouth and Massachusetts Bay precedents regarding the publication of marriage banns, prohibiting clandestine marriages, and providing for civil ceremonies performed by a magistrate. The General Court of the Colony of **Connecticut** enacted, **April 10th, 1640:**

> "That whosoeuer intend to joyne themselues in Maridge Couenant shall cause that their purpose of Contracte to be published in some publike place & att some publike meeting in the seuerall Townes where such persons dwell, at the lest, eight dayes before they enter into such Contracte, whereby they engage themselues each to other; and that they shall forbeare to joyne in Maridge Couenant at least eight dayes after the said Contracte. And also the Magestrate who solemnizeth Mariedge betwixt any, shall cause a record to be entered in Courte of the day & year thereof." [11]

Marriage Acts similar in effect to this, were again passed in Connecticut in the Code of **1650** and in **1673**. In **1675**, it also adopted the same Act passed in Massachusetts Bay in 1647.

One of the earliest laws of **New Haven** Colony had precepts that were closely in line with those of her sister New England Colonies, being in these words:

> "No person shall be either contracted, or joyned in Marriage before the intention of the parties proceeding therein, hath been three times published, at some time of publick Lecture, or Town meeting in the Town, where the parties, or either of them dwell, or do ordinarily reside; or be set up in writing, upon some post of their meeting house door, in publick view, there to stand so as it may be easily read by the space of fovrteen daies; and that no man unless he be a Magistrate in this Jurisdiction, or expresly allowed by the General Court shall Marry any persons, and that in a publick place, if they be able to go forth, under the penalty of five pounds fine for every such miscarriage." [12]

In every colony efforts were made to preserve the sanctity of marriage. The Code of Laws adopted by the General Assembly of **Rhode Island** likewise legislated on the subject of marriage in **1647**. This Act provided:

11 *Colonial Records of Connecticut* (1636-1665), 47. An act similar in effect was passed in 1673. See *"Laws of Connecticut,"* 1673 (Brinley Reprint, 1865), p. 46.

12 *New Haven Colonial Records* (1653-1665), Vol. II, Hartford, 1857 p. 599.

"It is agreed and ordered by the authority of the present assembly, for the preventing many evils and mischiefs that may follow thereon, that no contract or agreement between a man and a woman to own each other as man and wife, shall be owned from henceforth throughout the whole colony as a lawful marriage, nor their issue so coming together to be legitimate or lawfully begotten, but such as are in the first place with the parent's consent, then orderly published in two several meetings of the townsmen, and lastly confirmed before the head officer of the town and entered into the town clerk's book." [13]

Many of the marriage laws of early colonial America were often quite stringent and infractions of them were often met with harsh penalties. The colonists understood the Biblical principles of marriage and thus knew that proper and stable marriages were necessary to have a prosperous and stable society. Thus laws had to be established and enforced to protect the institution of marriage from loose, care free, and clandestine unions. A latter marriage law of the colony of **Rhode Island**, in **1701**, demonstrated this under *An Act for Preventing Unlawfull Marriages* :

"And it is further enacted, That if any persons shall presume to take themselves in marriage, or be joined together in marriage within this Collony, that have not first been published according to this Act, or produce a certificate from the government from whence they came, as aforesaid, or that have been under writ by any person, or persons so offending, shall forfeit as a fine to the Collony the sum of five pounds in money, or be imprisoned three months in the common jail, or suffer corporal punishment not exceeding thirty-nine stripes on the naked back, at the publick whipping-post; any Act or Acts to the contrary notwithstanding."[14]

Under the laws in force in **New Netherlands** marriage could be effected only after due publication of banns. These laws were also very stringent as is seen from *"An Ordinance of the Director and Council of New Netherlands Regulating the Publications of Banns of Matrimony,"* passed **January 19, 1654**; also an ordinance passed **January 15, 1656**, providing:[15]

13 *Rhode Island—The Proceedings of the First General Assembly, etc.,* by William R. Staples, (Providence, 1847).

14 *Records of the Colony of Rhode Island and the Providence Plantations,* Vol. III, (1678 To 1706), Ed. by John Bartlett, 1858, pp. 436, 437.

15 Otto E. Koegel, *"Common Law Marriage in the U.S.,"* 1922, pp. 67-68.

"Be it therefore enacted, That persons whose banns have been published, shall have their marriage solemnized within one month after, or show cause to the contrary . . . and no man or woman shall live together as married persons, unless they are lawfully married."[16]

As the colonies expanded, the settlers that moved into new lands brought along the laws and customs familiar to them. Thus the New England settlers who began to pour into **New Jersey** in 1665 and 1666, came from communities that had become thoroughly imbued with the idea that marriage was a civil contract, sanctioned, it is true, as a Divine ordinance, but not a sacrament, and that, so far from a clergyman being required for the performance of the ceremony, that function was or ought to be vested exclusively in the magistrates or other civil officers. [17]

The **East Jersey** Assembly enacted the following marriage law in **March, 1682:**

"That all Marriages not forbidden by the Law of God, shall be lawful, Parents or Guardians shall be first consulted, and consenting thereto, and the Intention of Marriage shall be published at lest three weeks before it be Solemnized by taking one another as Man and Wife, the Publication shall be Entered and Registered by the Clerk of the Assembly, or publick Place where it shall be Published, and the Solemnization shall be performed by and before some Justice of the Peace or other Magistrate within the Province, unless the Justice of the Peace or Magistrate refuse to be present, and the Certificate thereof entered in the Register of the Town and County where it is finished."[18]

The *Fundamental Constitutions* for the Province of **East New Jersey** carried similar provisions in **1683**, and stated that the marriage is to be *"solemnized before creditable Witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register, under a penalty if neglected."* [19] In cases of a breach of the covenant such evidence could be used compel a husband to support his wife.

16 *Laws and Ordinances of New Netherland.* (Albany 1868).

17 William Nelson, *"Documents Relating to the Colonial History of the State of New Jersey,"* Vol. XXII, Marriage Records: 1665-1800, 1900, p. lxi.

18 Ibid, p. lxxxiv; Also, Leaming and Spicer, p. 236.

19 F. N. Thorpe, *The Federal & State Constitutions,* Vol. V, (G.P.O.–1909), p. 2581.

We now see that several trends and principles in regards to marriage were established in early colonial America. The curious question as to how and when did ecclesiastical marriage ceremonies gain prominence in America needs to be answered. The practice of religious-oriented marriages, officiated by clergymen, entered this country primarily from two sources — The Church of England and the Catholic Church.

According to the law of England all marriages were required to be solemnized by a minister. But if we were originally "English Colonies," why are the history books full of colonial laws (marriage and otherwise) not in accordance with the laws of England? Contrary to popular assumptions, England never did have total control over all the Colonies at all times. In fact, during the time Cromwell ruled the Commonwealth in England (1649 - 1660), the Colonies enjoyed complete freedom from the influence of the Crown. With the return of Charles II (1660), pressure was put on many of the Colonies to legislate marriage precepts that were more in-line with those dictated by the Church of England. Thus many adhered to the civil law in marriages to avoid the doctrines of the Anglican Church.

A colonial law of **Virginia 1661-1662**, for example, provided:

" . . . That no marriage be solemnized nor reputed valid in law but such as is made by the ministers according to the laws of England."[20]

For more than a hundred years thereafter no lay magistrate or dissenting clergy could join parties in marriage in the colony of Virginia.

The **Virginia Act of 1784** granted to the courts in the remote frontier districts of Virginia the power to nominate certain "sober and discreet laymen" to celebrate marriage in those places where no clergyman could be found, according to the forms and customs of the Church of which these appointees were members. Thus Virginia, by the close of the eighteenth century, had at least partially abandoned the principle of ecclesiastical marriage and had sanctioned that of lay celebration under clearly defined conditions.[21]

20 Goodsell, *"A History of Marriage and the Family,"* 1934, p. 384.

21 Ibid, p.385.

In 1664, **New Netherlands** came into the control of the English, Charles II, granting the territory to the Duke of York. In the Act concerning marriages passed by the first session of the legislature, October 23, **1684**, it provided:

> "Whereas by the law of England no marriage is lawfully consummated without a minister whose office is to join the parties in matrimony after the banns thrice published in the church or a license first had and obtained from some other person thereunto authorized . . .
>
> "Be it further enacted by the authority that if anyone shall presume to marry contrary to the law prescribed, the person offending shall be proceeded against as for fornication and the minister or justice that married them shall forfeit twenty pounds and be suspended from his benefice and office." [22]

We see here that even though this English-influenced marriage act prescribed a religious ceremony, it also preserved its original practice of marriage solemnization by a Justice.

The history of the laws regulating marriage in the southern colonies is similar to that of Virginia. In all, the Church of England was somewhat loosely established and its laws requiring marriage by a clergyman of that church were nominally enforced.[23]

The *Fundamental Constitutions* of **1669**, granted to the Colony of **North Carolina**, provided that:

> "*Eighty-Seven.* No marriage shall be lawful, whatever contract and ceremony they have used, till both parties mutually own it before the register of the place where they were married, and he register it, with the names of the father and mother of each party." [24]

It was further enacted by the first Assembly that a marriage might be celebrated by declaration before the Governor or one of the Council and three of four witnessess.[25] This, and the registering of the marriage certificate, indicates that some civil recognition was being practiced at this time.

22 *Colonial Laws of New York: 1664 to the Revolution,* Vol. I, p. 150, Albany, 1894.

23 Goodsell, *"A History of Marriage and the Family,"* 1934, p. 385.

24 Ben: Perley Poore, *Charters & Constitutions of the U.S.,* Part II, (1878), p. 1406.

25 Otto Koegel, *"Common Law Marriages . . .",* p. 66.

In the colonial state of **South Carolina**, by the Church Act of **1704**, it was provided:

> " . . . no justice or magistrate, being a layman, shall presume to join any persons in marriage, under penalty of one hundred pounds current money of the Province."

In **1728** the **Carolinas** sanctioned the performance of the marriage ceremony by "any lawful magistrate " in the absence of a clergyman of the Church of England, or with his expressed consent.

The earliest record of marriage legislation in **Georgia** is from February 22, **1785**, where the General Assembly of the State passed an Act which provided:

> "Be it therefore enacted, that such marriages as have been heretofore contracted by any person or persons, before or by such justice, or minister or preacher of the Gospel, are hereby ratified, confirmed and allowed as valid in law, from the time of solemnization thereof; and all justices of the peace duly qualified, ministers or preachers of the Gospel in the State regularly ordained, shall, and they are hereby empowered and authorized, after public notice of eight days being given, or by license of his honor the governor, or register of probates, to marry any person or persons enabled to enter into marriage contract : And if any such justice, or minister or preacher of the Gospel, shall marry any couple without such notice, or authorized by license from the governor, or register of probates, to do so, he shall on conviction, forfeit five hundred pounds sterling, for the use of the State." [26]

Although their are no earlier marriage acts from Georgia, the foregoing act would indicate that informal marriages were looked upon as invalid. It would also appear that both civil and religious ceremonies were recognized in Georgia.

The **Quakers** had some influence on the early colonial laws including that of marriage. In the *Frame of Government or Charter of Liberties* of the Province of **Pennsylvania**, dated April 11, **1682**, by William Penn, established a trend as to marriage precepts for many years not only in Pennsylvania, but in other colonies also. A provision within this early constitution provided:

26 *Colonial Records of Georgia,* Vol. XIX, p. 458; Also *Watkins' Digest of the Laws of Georgia* 1755-1799, p. 314, (Phila. 1800).

"Nineteenth. That all marriages, not forbidden by the law of God, as to nearness of blood and affinity by marriage, shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as husband and wife, before credible witnesses, and a certificate of the whole, under the hands of parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office." [27]

A similar act was passed March 10, **1684**, but with the modification that the certificate referred to might be produced to *"such Religious Society to which they relate; or to some one Justice of the Peace of the County in which they Lived."* This was still further amended by an act passed in **1693**, which inserted the proviso: *"that there be at least one Justice of the Peace of the County where such marriage shall be, at the Solemnization thereof."*[28]

The **Catholics** (who were persecuted in England) had very little influence in early America, except for a brief period of control in **Maryland**. Sir George Calvert, known also as Lord Baltimore, having become a Catholic, secured a charter from the king to plant a colony in America. Calvert died before the charter was signed, and his son, Cecil Calvert, the second Lord Baltimore, carried out his father's plans. The charter granted the Calverts was the most liberal ever issued by an English monarch. It made the proprietor absolute ruler over the colony. While it was a plan for the new colony (Maryland) to be a haven for Catholics, the majority of the colonists on the first two ships were Protestant.

The nature of the charter attracted a large number of **Puritans** into Maryland. The Puritans soon gained control and in 1649 the Catholics found it necessary to obtain the *Toleration Act*, virtually and agreement by the Council and the Assembly not to persecute Catholics. There was from the beginning a struggle for supremacy between the Episcopacy of the Church of England on the one hand and Catholicism and Quakerism on the other. Because of this, early marriage laws were liberal, recognizing either religious or civil

27 *Duke of York's Book of Laws,* Edited by S. George, Harrisburg, 1879, p. 101.

28 Ibid., p. 171, p. 229.

marriage as legal. However, by the close of the seventeenth century the advocates of episcopacy had won and Marriages were required to be performed according to the Church of England.

A careful study of the colonial marriage laws of Maryland shows that "religious toleration" was not due so much to Calvert's ideas of religious liberty as it was to his desire to make secure his own religion. He was a most broad minded man to be sure, but it seems unlikely that had he unlimited power he would have instituted a purely civil ceremony, something prohibited in every Catholic country since 1563.[29]

**Conclusions:** The colonial period of America established not only a trend but a legal precedent regarding marriage practices and principles. The major legal principles of marriage that prevailed throughout that period and became part of the Organic Law of America are as follows:

- *Publication of marriage banns prior to marriage.*
- *Parental Consent — given to the town or county clerk personally or in writing.*
- *Solemnization of marriage in a formal marriage ceremony.*
- *Marriage officiated by a civil officer such as a Justice, Magistrate, etc. (Solemnization by a Christian minister acceptable where no civil officer is present).*
- *Witnesses to the marriage (minimum of two).*
- *A marriage certificate signed by the officiant, husband, wife, and witnesses.*
- *Registration of marriage - records to be kept by town or county clerk or registrar (In absent of a registrar, then by officiant).*

These issues, and others, stand today as valid criteria for a lawful marriage in the United States. Our ancestors enacted such principles in the attempt to safeguard the institution of matrimony and to prevent thoughtless persons from entering into the contract carelessly and without due formality.

29 Otto E. Koegel, D.C.L., *"Common Law Marriages,"* 1922, pp. 63-64.

# 4

# INTERRACIAL MARRIAGE

*Marriage and procreation are fundamental to the very existence and survival of the race.*

– U. S. Supreme Court
*Skinner v. Oklahoma*, 316 U.S. 535

All great civilizations throughout history have one thing in common - they were inhabited or dominated by one race. An advanced civilization of multiracial foundations is not known in history. If we are to be concerned with the growth, strength, and destiny of our nation and civilization, we should then be concerned with the preservation of our race. If however, we have no concern for the future of our race, or "Our Posterity" as stated in the preamble of the U. S. Constitution, we then open the door for the decline and eventual destruction of our American civilization and way of life.

We have displayed this lack of concern for our race during the past few decades in many ways - by allowing nonwhites to rule over us in politics and in courts, by letting our children be educated by those not of our race, by supporting them and their children through welfare yet neglecting the needs of our own people, and by restricting those of the white race to emigrate to this country while allowing hordes of colored people to enter and take our land, our jobs, and commit crimes against our people. However, the most flagrant lack of concern for our race is exhibited through interracial marriages. Unfortunately, we fail to see that all these acts of neglect for our race and country have caused our nation to suffer greatly at the hand of God in punishment.

Marriage is a vehicle through which a race can survive and flourish or be weakened and destroyed. Survival of a race can only

be maintained by marriages of the same race, and destruction of a race can be assured by marriages of different races. This has become a basic principle in nature and in law as expressed in the above Supreme Court case. This is also the principle and logic behind God's Law prohibiting interracial marriage by our people.

The topic of interracial marriages or miscegenation is a most critical one in the discussion of family, marriage and society. Today it has also become a most controversial topic as it is often promoted by the Jewish-controlled media and film industry. But the primary concern here and now is in regards to the legal aspects of interracial marriage in America. For here again we must be concerned with the organic laws established in this country regarding this subject. Further, we need to understand the original intent of the people who established the nation and such laws. One American law book states:

> **Intermarriage of Races.**—Civilized society has the power of self-preservation, and marriages being the foundation of such society, most of the states in which the negro forms an element of any note have enacted laws inhibiting intermarriage between the white and black races. (18 *Ruling Case Law,* "Marriage," § 31, p. 409).

In America, as in most other white nations, there has long existed a strong popular disapproval of race crossing along with numerous legislative and other efforts to prevent or retard the process. The intermixture of the races seems to have begun almost as soon as the Negroes were introduced into the colonial population and popular opposition seems to have begun almost simultaneously.[1]

The first definite legislation appears to have been that of the colony of **Maryland.** In **1661**, the question as to the status of white servants and their children by Negro men was addressed:

> Forasmuch as divers free-born English women, forgetful of their free condition, and to the disgrace of our nation, do intermarry with negro slaves, by which divers suits may arise, touching the issue of such women , and a great damage doth befall the master of such negroes, for preservation whereof for deterring such free-born women from such shameful matches, be it enacted: that whatsoever free-born women shall intermarry with any slave, from and after the last day of the present assembly, shall serve the master of such slave during the

1 E. B. Reuter, *"Race Mixture--Studies in Intermarriage and Miscegenation,"* 1931, p. 78.

life of her husband; and that all the issues of such free-born women, so married, shall be slaves . . . And be it further enacted: That all the issues of English, or other free-born women, that have already married negroes, shall serve the master of their parents, till they be thirty years of age and no longer. [2]

In further effort to stop the intermixture of the races, the General Assembly of **Maryland** in **1728**, enacted the following legislation:

Whereas by the act of assembly relating to servants and slaves, there is no provision made for the punishment of free mulatto women having children by Negroes and other slaves, nor is there any provision in the said act for the punishment of free Negro women having bastard children by white men; and forasmuch as such copulations are as unnatural and inordinate as between white women and Negro men, or other slaves.

Be it enacted, that from and after the end of this present session of assembly, that all such free mulatto women, having bastard children, either within or after the time of their service, (and their issue,) shall be subject to the same penalties that white women and their issue are, for having mulatto bastards, . . .

And be it further enacted . . . , that from and after the end of this present session of assembly, that all free Negro women having bastard children by white men, ( and their issue,) shall be subject to the same penalties that white women are, . . . , for having bastards by Negro men. [3]

The little intermarrying that took place in the early Colonial days between the Negroes and the white indentured servants ceased almost entirely as the status of the Negroes became fixed and understood. This natural discrimination was reinforced with legislative acts against these unnatural mixtures. In the **Virginia** colony there appears to have been an effort almost from the beginning of slavery to prevent interracial sex relations. A decision as early as **1630**, provides for the public confession and whipping of a white man servant for *"defiling his body in lying with a Negro."* In **1662**, double fines were imposed for such offenses with Negroes. [4]

2 *Proceedings of the General Assembly,* 1637 - 1664, pp. 533 - 534; see also, J. R. Brackett, *"The Negro in Maryland,"* pp. 32-33.

3 Dorsey, *"The General Public Statutory Law and Public Local Law of the State of Maryland,"* p. 79.

4 Edward B. Reuter, *"Race Mixture--Studies in Intermarriage and Miscegenation,"* 1931, pp. 39, 80.

The early efforts in **Virginia** were attempts to preserve the public order and decency. The matter of racial intermarriage received definite legislative attention in **1691** under the following act:

> For the prevention of that abominable mixture and spurious issue which hereafter may increase in this domination, as well by Negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another, Be it enacted . . . that for the time to come, whatsoever English or other white man or woman being free shall intermarry with a Negro, mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever, . . . [5]

This law was made more drastic and inclusive by various later amendments and supplementary acts. [6]

The situation was not different in the other colonies. Wherever the slaves and low-class whites came into association, there was much clandestine sex irregularity between them and occasional cases of intermarriage. The public sentiment against such conduct expressed itself, among other ways, in the legislative imposition of penalties designed to check the practices by their severity.

**North Carolina**, in **1715**, provided a heavy fine and additional years of servitude on any white person associating with or marrying a Negro and also provided a fine of fifty pounds on any clergyman solemnizing such a union.[7] The act of **1741**, supplemented, clarified, and extended the scope of the original law. A part of this North Carolina Act provided the following:

> XIII. And for prevention of that abominable Mixture and spurious issue, which hereafter may increase in this Government, by white Men and women intermarrying with Indians, Negroes, Mustees, or Mulattoes, Be it Enacted, by the authority aforesaid, that if any white Man or Woman, being free, shall intermarry with an Indian, Negro, Mustee or Mulatto Man or Woman, or any Person of Mixed Blood, to the Third Generation, bond or free, he shall, by

5 J. C. Ballagh, *"White Servitude in the Colony of Virginia,"* pp. 72 - 73.

6 J. H. Russell, *"The Free Negro in Virginia: 1619—1865,"* (Baltimore: John Hopkins Press, 1913), pp. 138-139.

7 J. S. Bassett, *"Slavery and Servitude in North Carolina,"* p. 83.

Judgement of the County Court, forfeit and pay the Sum of Fifty Pounds, Proclamation Money, to the use of the Parish.

XIV. And be it further Enacted, by the Authority aforesaid, That no Minister of the Church of England, or other Minister, or Justice of the Peace, or other Person whatsoever within this Government, shall hereafter presume to marry a white Man with an Indian, Negro, Mustee or Mulatto Woman, or any Person of Mixed Blood, as aforesaid, knowing them to be so, upon Pain of Forfeiture and paying, for every such Offense, the Sum of Fifty Pounds, Proclamation Money, to be applied as aforesaid. [8]

**Massachusetts** began similar legislation in **1705**. On June 22, **1786**, the State passed a law that was titled; *Act for the orderly solemnization of marriage*. This act carried the following provision:

Sec 7. *No person authorized to marry shall join in marriage any white person with any negro, Indian, or mulatto, under penalty of fifty pounds; and all such marriages shall be absolutely null and void.* [9]

**Pennsylvania** passed a stringent law in **1725**, which stated that, *"No Negro was to be joined in marriage with any white person upon any pretense whatsoever."* The act also forbade fornication and adultery between the races. Upon white people it imposed stringent penalties, but upon free negroes it bore much more heavily. [10]

The intermixture and intermarriage of the races everywhere aroused popular indignation and, wherever Negroes were numerous and cases frequent, there were legislative efforts to prevent this type of behavior. [11]

Laws against interracial marriage continued to be enacted or stayed in force up to the time our Constitution was signed and ratified. Neither the *Constitution* nor the *Articles of Confederation* abolished any such laws but rather embraced them, along with other current laws, as the foundation for **our** *common law.* This means that laws against interracial marriage are part of the Organic Law in America. In short, interracial marriages and miscegenation are unconstitutional.

8 *The State Records of North Carolina,* Edited by Walter Clark, Vol. XXIII, 1910, p. 160.

9 John C. Hurd, *"The Law of Freedom and Bondage,"* Vol. II, 1862, p. 29.

10 Edward R. Turner, *"The Negro in Pennsylvania: 1639–1861,"* 1912, pp. 29, 112.

11 E. B. Reuter, *"Race Mixture."* p. 81.

The early opposition to racial intermixture continued beyond the colonial period and was expressed in the marriage laws of various States. That the intermarriage of the races was often considered a matter of basic public importance is evidenced by the fact that six of the States — **Alabama, Florida, Mississippi, North Carolina, South Carolina,** and **Tennessee** — made its prohibition a matter of constitutional law. [12]

As America grew and other non-white races entered the country and increased in number, the desire of the people to keep the white race separate from these other races was revealed by the interracial marriage laws that persisted during the 19th and early 20th centuries:

**Delaware**, in an act of 1807, titled - *An act for the better regulation of free negroes and free mulattoes*, declared the following:

Sec. 7. Negroes and whites prohibited to intermarry, and such unions declared void.

Sec. 8. A penalty to be imposed on ministers, justice of the peace, etc., for marrying negroes and whites.

Sec. 9. A penalty by fine on white women having bastard by a negro.

Sec. 10. A penalty by fine on white men guilty of fornication with negroes; no negro's evidence to be received on such cases.

**Indiana** passed an act relating to crimes in 1817, which contained this section on intermarriage:

Sec. 59. Penalty for sexual intercourse between white and black persons, "and it shall not be lawful for any white person to intermarry with any negro in this State." 1R. S. 361, - with one having "one eighth or more negro blood."

**Maine**, in 1821, passed a law regulating marriage which declares:

"All marriages between a white person and any negro, Indian, or mulatto shall be absolutely void." R. S. of 1821, c. 70 ss 2. R.S. of 1847, c. 59, sec. 3.

**Illinois**, in an act of Jan. 17, 1829, titled: *An act respecting free negroes and mulattoes, servants and slaves*; provides:

Sec. 3. Forbids the intermarriage of "persons of color, negro, or mulatto with white persons." Also - R. S. of 1856, p. 737.

12 E. Reuter, *"Race Mixture--Studies in Intermarriage and Miscegenation,"* p. 82.

**Michigan**, in the Revised Statutes of 1838, p. 334, stated:

"No white person shall intermarry with a negro or mulatto." Also - R. S. of 1846, p. 330.

**Iowa** act of 1840, titled, *An act regulating marriages*, provided:

Sec. 13. "All marriages of white persons with negroes and mulattoes are declared to be illegal and void."

**Kansas** act of 1855 on marriages provided:

Sec. 3. All marriages of white persons with negroes or mulattoes are declared to be illegal and void.

**New Mexico** passed an intermarriage act in 1859, that provided:

Sec. 23. Marriages between white persons and slaves, or free negroes and mulattoes, declared void, and the white party declared punishable.

**California** Civil Code of 1872 (Sec. 60), and as amended in 1905 (Cal. Stats. 1905, p. 554) restricted marriages as follows:

"All marriages of white persons with Negroes, Mongolians, members of the Malay race, or mulattoes are illegal and void."

**Oregon** Laws (Olson) of 1920, Sec. 9721, 2164, prohibited interracial marriages with penalty of imprisonment:

To prohibit marriages of white persons with those of one-fourth or more Negro, Chinese, or Kanaka blood or any person having more than one-half Indian blood. "All such marriages or attempted marriages shall be absolutely null and void."

**Colorado** statutes of 1921 (*Compiled Laws of Colorado,* Sec. 5548) provided the following:

"All marriages between Negroes or mulattoes of either sex and white persons are absolutely void."

**Georgia** General Assembly enacted a law on Aug. 20, 1927, that restricted intermarriages:

All intermarriages of a white person with a person having any ascertainable trace of either Negro, African, West Indian, Asiatic Indian, Mongolian, Japanese, or Chinese blood in their veins are a felony and the marriage void.

All of the various laws and statutes against miscegenation and interracial marriage that have been enacted since the adoption of the U.S. Constitution are far too numerous to mention here.

The Supreme Court of the United States has indirectly touched upon the topic of the legality of legislation forbidding interracial marriage. In *Plessy v. Ferguson,* 163 U.S. 537, the court cited an Indiana case which stated that legislation involving interracial marriage did not violate the obligation of a contract, and that such legislation is a legitimate exercise of the police powers of the State.

In an earlier case, that of *Pace v. Alabama,* 106 U.S. 583, the Supreme Court held that a law of Alabama, prohibiting a white person and a Negro from living with each other in adultery or fornication, was not in conflict with the Constitution of the United States. This case is so similar in principle to one involving interracial marriage, that its decision may be taken as indicating the attitude the court would take regarding such legislation.

It is apparent that the original intent of those who established the first marriage laws regarding miscegenation and interracial marriages, has been quite clear to the courts and future legislators. The same principles and morals are involved in these laws and decisions.

Generally speaking, public opposition to racial intermarriages in America, and other white nations, has been a most effective control in itself to restrict them, even in the absence of formal restrictive legislation. There is something that our God has put "in our hearts, and in our minds" (Heb. 10:16) that tells us there is something wrong in marrying those not of our race. It is a driving force within us that repels us from such unions as being repugnant even though we

13 E. Reuter, *"Race Mixture--Studies in Intermarriages and Miscegenation,"* p. 99.

14 *Ellis v. State,* 42 Ala. 525; *Ford v. State,* 53 Ala. 150; *Kirby v. Kirby,* 24 Ariz. 9; *Green v. State,* 58 Ala. 190; *Pace and Cox v. State,* 69 Ala. 231; *Dodson v. State,* 61 Ark. 57; *State v.Tutty,* 41 Fed. 753; *State v. Gibson,* 36 Ind. 389; *State v. Jackson,* 80 Mo. 175; *State v. Hairston,* 63 N.C. 451; *State v. Reinhardt,* 63 N.C. 547; *In re Paquet,* 101 Ore. 393; *Lonas v. State,* 50 Tenn. 287; *Brown v. State,* 266 S.W. 152; *Francois v. State,* 9 Tex. App. 144; *Eggers v. Olson,* (Okla.) 231 P. 483; *Roldan v. L.A. County,* 129 Cal. App. 267, et al.

have no understanding of the social, biological, biblical, or legal aspects of such unions.

The following is one example of an interracial marriage that was prohibited in a State which had no legislation against it. This is a news dispatch quoted in Reuter's book, *Race Mixture*, 1931, p. 102:

> Antonio Biggs, Negro, and Miss Cecil Robinson, attractive white girl, were denied a marriage license Monday at the office of the Spokane County auditor.
>
> Although there is no law in Washington forbidding such a marriage, Acting County Auditor Frank Clover said the County Auditor "has the right to ascertain whether the mentality of applicants for marriage licenses is sound, and I can but question the sanity of a white woman who will marry a Negro." [15]

The fact that a number of States had no legislation forbidding marriages between persons of different racial origin should not be taken as evidence that such unions are approved or even that there is a general popular indifference to them. The absence of such legislation is rather an expression of the fact that Negroes and Orientals are such a negligible part of the population of several States and intermarriages are so very few that the question can be ignored.[16]

The majority of States have, however, adopted such legislation. Reuter had stated in his book *(Race Mixture)* that at that time (1931), "twenty-nine of the States have laws prohibiting the intermarriage of whites with Negroes or with individuals of other races." In 1950, the Association of American Law Schools published a journal titled *Selected Essays on Family Law,* which stated that at that time (1950), "thirty States have statutes banning interracial marriage."

Since the 1950's there has been a great effort by various liberal and Jewish powers (in the media, lobbyists, schools, etc.) not only to block any further legislation banning interracial marriage, but also to repeal existing laws of this nature. Consistent propaganda has been used in the past three decades to condition the thinking of the white people in this country to believe that such laws against interracial relationships are evil and disruptive to society. They have used in

15 Associated Press dispatch, Spokane, Wash., Feb. 11, 1930.

16 E. B. Reuter, *"Race Mixture,"* p. 101.

their propaganda such key words as racists, discrimination, narrow-minded, bigotry, anti-social, hate fostering, etc., all designed to intimidate us and make us feel guilty about such things.

In the past there have also been attempts to get the courts to decide against such laws on the basis of discrimination. However, the courts, including the U.S. Supreme Court in *Pace v. Alabama,* have not accepted discrimination as an issue because the law and its penalties have applied equally to both whites and blacks. Thus, there is no discrimination in these laws.

All modern literature and resources today on the topics of marriage, family law, etc., will state that the U.S. Supreme Court has declared that antimiscegenation laws are unconstitutional, referring to the 1967 case of *Loving v. Virginia,* 388 U.S. 1. However, this case is actually quite different from all other such cases that have upheld antimiscegenation laws. In this case the interracial couple were "married in the District of Columbia pursuant to its laws." Thus, this was not a case involving state miscegenation laws nor did it involve the issue of the state's power to enact and enforce such laws. Although Virginia's miscegenation laws were attacked and downgraded, they were not, nor could they be, found unconstitutional, for they were not directly involved in this case.

The *Loving v. Virginia* case relied heavily on the application and interpretation of the 14th Amendment. The adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments[17] created and established another system of law and jurisdiction which does not and cannot have anything to do with the original Constitution and Organic Law of this land. This new law is called *"de facto"* law meaning it is contrary to or not lawfully part of the Organic Law. The 14th Amendment established a central jurisdiction which did not include individual State powers. Thus, any persons that comes under the 14th Amendment, such as nonwhites, or anyone living on the *de facto* government land, such as D.C. (which Congress has

17 None of these "Amendments" were lawfully adopted as part of the U.S. Constitution pursuant to Article 5, and are repugnant to the original intent of the Constitution since they were made for Negroes who never were citizens. These Amendments established an international democracy - i.e. all races rule equally.

jurisdiction over), or anyone that comes under the purview of its laws of the *de facto* Congress, become "subject to the jurisdiction" of the *de facto* United States.

It is only under this *de facto* jurisdiction that the "equal protection" clause of the 14th Amendment could be applied. Under this new jurisdiction all races are considered "citizens" but in the capacity of "subjects." Under the *de jure* Constitution, Blacks and other nonwhites could never occupy the status of citizen.

Since marriage has always been recognized as a State matter, and the topic of interracial marriage based on the law of nature and the Organic Law of this land, it took more than the 14th Amendment for a court to rule against antimiscegenation laws. We see that all courts, State and Federal, have upheld such laws. In *State v. Tutty,* 41 Fed. 753, 762 (1890), a United States Circuit Court, in upholding a Georgia antimiscegenation law, stated *"that the national constitution is not infringed"* by such laws. Other courts have said similar things:

> It is simple to say, that following the order of Divine Providence, human authority ought not to compel these widely separate races to intermix. * * * It is quite clear to us, that neither the fourteenth amendment nor the civil rights bill has impaired or abrogated the laws of this State on the subject of marriage of whites and negroes. *The State v. Gibson*, 36 Ind. 389,405 (1871).

> A state is empowered to forbid marriages between persons of African descent and persons of other races or descents. Such a statute does not contravene the Fourteenth Amendment. *Stevens v. United States,* 146 Fed.2d 120, 123 (1944).

The courts have also expounded on other reasons than just the State's legal authority for upholding antimiscegenation laws:

> The amalgamation of the races is not only unnatural, but is always productive of deplorable results. Our daily observation shows us, that the offspring of these unnatural connections are generally sickly and effeminate, and that they are inferior in physical development and strength, to the full-blood of either race. It is sometimes urged that such marriages should be encouraged, for the purpose of elevating the inferior race. The reply is, that such connections never elevate the inferior race to the position of the superior, but they bring down the superior to that of the inferior. They are productive of evil, and evil only, without any corresponding good. *Scott v. The State of Georgia,* 39 Ga. 321, 323 (1869).

To summarize the legal and constitutional aspects of miscegenation and interracial marriage laws in America, we now turn to the great commentator on American Common Law, **James Kent:**

> The African race, even when free, are essentially a degraded caste, of inferior rank and condition in society. See the judicial sense of their inferior condition, as declared in the cases of the State v. Harden, and the State v. Hill, 2 Spear's S.C. Rep 150, 152. Marriages between them and whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offence against public decorum.
>
> The Statute of North Carolina, prohibiting marriages between whites and people of colour, includes in the later class all those who are descended from negro ancestors, to the fourth generation inclusive, though one ancestor of each generation may have been a white person; State v. Watters, 3 Iredell 455. By the Revised Statutes of Illinois, published in 1829, marriages between whites and negroes, or mulattoes, are declared void, and the persons so married are liable to be whipped, fined and imprisoned. By an old statute of Massachusetts, in 1705, such marriages were declared void, and they were so under the statute of 1786. And the prohibition was continued under the Mass, R.S. of 1835, which declared that no white person shall intermarry with a negro, indian, or mulatto. This prohibition, however, has since been repealed. A similar provision exists in Virginia and North Carolina. Marriages of whites with blacks were forbidden in Virginia, from the first introduction of blacks, under ignominious penalties; Hening's Statutes, Vol. i. p. 146 Such connections, in France and Germany, constitute the degraded state of concubinage, which was known in the civil law as lecita consuetudo semimatrimonium, but they are not legal marriages, because the parties want that equality of status, or condition, which is essential to the contract. [18]

Here Kent states the reason interracial marriages are not legal is because the parties are not of an equal status or condition. The fact that the white and black races, for example, are not equal is a basic principle of nature and of nature's God, which is the foundation of our Organic Law in America. The Fourteenth Amendment was an attempt to elevate the status of the negro to that of whites, but this was legally impossible as long as the Organic Law, which designates only whites as citizens, stood in the way.

18 James Kent, *"Commentaries on American Law,"* Vol. II, 7th Ed. p. 276

Our adversaries needed some way to reduce the legal capacity and status of the white people under the Organic Law by their own voluntary act. This was accomplished through the *Social Security Act* and the *Marriage License Act.* Not that these acts by themselves lowered our status, but rather it was our voluntary acceptance of them.

It has long been the plan of those who hate America, to destroy this nation by subverting its laws and its people - the white race. They have used their wealth and propaganda to gain positions of control and influence in government, media, education, and society; and once within these circles, promote ideas of racial equality, illicit sex, miscegenation, etc. Their primary target is that of America's youth, especially women, and once their morals are corrupted they are no better than savages, and marriage no longer holds any sanctity. And when white women are impregnated by a non-white male, their body is genetically defiled, as it takes on the genetic makeup of the father. Thus, miscegenation will surely destroy our civilization in varied ways, we therefore need to heed the plans of the enemy:

> 17. *Let us take care not to hinder the marriage of our men with Christian girls, for through them we shall get our foot into the most closely locked circles. If our daughters marry "Goyim" they will be no less useful, for the children of a Jewish mother are ours. Let us foster the idea of free love, that we may destroy among Christian women attachment to the principles and practices of their religion.*[19]

In conclusion, we must be knowledgeable of the Organic Laws of this land, including those involving miscegenation, and be ever vigilant to preserve and protect them. We also need to be knowledgeable of facts surrounding these matters so we can prevent the destruction of our race, in body or mind, whether it be by miscegenation or other means, that are directed against us - especially our women. The necessity of this concern has been expressed by the Supreme Court:

> *As healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race.*[20]

As Justice Story had stated: *"It is no longer safe to be ignorant."*

19 *"The Protocols of Zion,"* A Protocol of 1869, Protocol No. 17.

20 United States Supreme Court, *"Muller v. Oregon,"* 208 U. S. 412.

# 5

# COMMON LAW MARRIAGE ?

*Marriage, while from its very nature a sacred obligation, is, nevertheless, in most civilized nations, a civil contract and usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and social obligations and duties, with which government is necessarily required to deal.*

– U. S. Supreme Court
*Reynolds v. United States,* 98 U.S. 145

The term "Common Law Marriage" is one that has been misapplied, misunderstood, and misinterpreted. What exactly constitutes such a marriage? In his book, *Common Law Marriages,* Otto Koegel gives this explanation:

> Common Law Marriage may be defined as a marriage which does not depend for its validity upon any religious or civil ceremony but is created by the consent of the parties as any other contract. The term "common law marriage," however is not strictly an accurate one. Some writers on the subject prefer not to call it by that name, and some of those that do, make apologies for it. [1]

As we have seen, one of the main reasons that colonial legislation was enacted in the first place, was to prohibit informal, loose, and carefree marriages by requiring some form of formal and official ceremony. All colonies had established ceremonial marriage laws. If such legislation is now part of the American common law, it would be incorrect or inaccurate to call informal and nonceremonial marriages as "common law marriages."

It must be remembered, however, that the common law is activated and carried out in the individual States. It is up to the State Constitution, or by what was first practiced in the land, to determine

1 Otto E. Koegel, D.C.L., "*Common Law Marriage and its Development in the United States,*" 1922, p. 7.

what part of the common law has been adopted. It is also noted that, *"the common law has been adopted as the basis of American Jurisprudence in all the states of the union, except the state of Louisiana."*[2] Yet not all aspects of the common law surrounding marriage were adopted in America. Under the old English common law, adultery was not a crime[3] and interracial marriages were valid.[4] However these acts were made unlawful in every American colony and their unlawful nature is an organic part of the jurisprudence of this country.[5]

But here again we must be cognizant of the origin of the nonceremonial (common law) marriage. The principle of the nonceremonial or purely consensual marriage, as it has been applied to the term "common law marriage," was apparently derived from the English common law practice which, up to 1753, held such unions as valid. However, in 1843, the House of Lords declared that a nonceremonial marriage was never valid at common law.[6] But regardless of this, we find that this concept of informal marriages was never adopted in the American Common Law :

> In none of the colonies was ''self-marriage'' (incorrectly called common-law marriage) in which the parties took each other for husband or wife without the presence of magistrate or clergyman sanctioned by law. . . . Yet there can be little doubt that ''self-marriage,'' contrary to legal provisions, did occur from time to time throughout the colonies. In such cases, except where the law expressly declared the marriage void, the offenders were liable to punishment for contracting an illegal marriage, but their union was not declared invalid.[7]

Thus we see that such informal marriages were invalid in some of the American colonies, and certainly contrary to common practice and legislation of all the colonies. Since the colonial period, the States that have upheld "common law" or "self-marriage" have done

2 *Ruling Case Law,* Vol. 5, pg. 808, citing *Phillips v. Harding,* 70 Fed. 468, et al.

3 *Ex parte Rocha,* 30 F.2d 823.

4 55 *Corpus Juris Secundum,* "Marriage" §15, pp. 828-29; citing: *Hart v. Hoss,* 26 La. Ann. Rep. 90, *In re Application of Frederick,* 19 Pa. Dist. & Co 569, 570.

5 *Guardians of Poor v. Greene,* 5 Binney's Rep. (Penn.) 557-58 (1813).

6 This was supported by an English case: *Regina v. Millis,* 8 Eng. Rep. 844 (1844).

7 Willystine Goodsell, Ph.D., *A History of Marriage and the Family,* 1934, p. 391.

so in recognition of the common law adopted by that State, that is the English common law. The States that have found such informal marriages as invalid, void, or unlawful, have done so because they were contrary to State law or in recognition of the American Organic Laws developed in colonial America.

As an example, the Supreme Court of Delaware, in the case of *Wilmington Trust Co. v. Henrixson,* 114 Atl. 215 (1921), held that a "common law" or nonceremonial marriage was not valid in Delaware, even though a provision of a code recognized them. The court held that an informal or common law marriage is contrary to the spirit of American Institutions as evidenced by our Colonial history and policy. The court therefore refused to adopt said marriages as a part of the common law of Delaware. The court also recognized the same fact stated by Adams and Story, that being the Common Law of England was never completely adopted in the colonies:

> In this State it has been held that the common law of England is in force only so far as it has been adopted in practiced, and so far as concerns our conditions and circumstances.
>
> It is undoubtedly true that the legislation of this State representing marriage fully covers the subject, and shows by the strongest implication, at least, that the common law, so far as it relates to marriage, was not favored or applicable. We are of the opinion, therefore, that such common law has never been adopted in this State.
>
> If the history of the State's legislation is carefully considered, it will be found that from colonial times private, loose or clandestine marriages have not only been discouraged, but the effort has been to prevent them. Statutes have been enacted for the express purpose of preventing "clandestine marriages."

This last statement by the Supreme Court of Delaware identifies the potential problem that exists with the so called "common law marriage" or "self-marriage;" and that is they are often times also secretive or "clandestine" marriages. Clandestine marriages were never recognized in colonial laws, and were always considered void or the parties were penalized for the act. Our colonial forefathers knew that informal marriages were apt to make divorce easier and more frequent, and thereby create difficult or unfortunate situations when children are born through such unions. This was exemplified in the *Henrixson* case:

> Usually in such [nonceremonial] marriages the relation in the beginning is nothing other than licentious, and the question is whether the interests of the innocent children of such unions are paramount to the good of society.
>
> Suppose, for example, that after continued cohabitation, and reputation as married people, and after children are born, there comes, as in the present case, separation of parents, and either party contracts a similar marriage with another person and raises children, what will be the status of the innocent offspring of the later union? There cannot be two valid marriages. To put a more extreme and difficult case, suppose, after the separation, either party contracts a marriage in a perfectly legal manner and raises children. What would be the situation of the parent and the children?
>
> It seems, therefore, that legalizing an informal marriage so that the children shall be legitimate may cause troubles and complications of a very serious character to parents, children, and society.

We see that the informal marriages are more likely to be disruptive to society and put unnecessary burdens upon it. Marriages, as asserted by colonial legislatures, should be secured by more than just personal consent since their stability and soundness has a direct affect the stability of society. Also, "self-marriages" usually bypass publication of banns prior to marriage, which is very important in helping to eliminate unseemly or hasty marriages.

Marriage, in its origin, is a contract of natural law (18 R.C.L., p. 383). Marriage in society is regarded as a civil contract, in that it is an agreement between two persons or citizens. *"The common law considers marriage in no other light than a civil contract."*[8] However, marriage is actually more than a civil contract:

> Marriage is more than a mere civil contract. The law properly regards it as the basis of the social organization, and its far reaching influences affect not only the welfare of the members of the family but the good order of society. *Wolkovisky v. Rapaport,* 216 Mass. 46, 50; 102 N.E. 910.
>
> In Christian nations marriage is not treated as a mere contract to be suspended or dissolved, at pleasure, but rather as a status based on public necessity, and controlled by law for the benefit of society at large. *People v. Case,* 241 Ill. 279; 89 N.E. 638, 640.

8 *Phillips v. Gregg,* Pa., 10 Watts, 158, 168; 36 Am. Dec 158. *Deitzman v. Mullin,* 57 S.W. 247, 248; 108 Ky. 610.

> Marriage is regarded as more than a civil contract, and after cohabitation, at least, ripens into a status, which affects the parties, their prosperity, and the whole community. *Richardson v. Richardson,* 246 Mass. 353; 140 N.E. 73.[9]

Since marriage creates a legal status for the husband and wife, which contain certain duties, rights, obligations, and responsibilities, in which the execution thereof will have a profound affect on society at large, society thus has a vested interest in marriages and their establishment. Society is, or should be, just as concerned with the preservation and stability of marriages in the community or State, as it is with a sound economy or the elimination of crime, for all have a significant impact on the character and destiny of the society and culture of our race.

If marriage is to consist of nothing more than a mutual agreement to be husband and wife followed by cohabitation, its legal and social foundations will indeed be weaker than one meeting the criteria outlined on page 52. It is questionable, though, whether the common law ever did sanction nonceremonial marriages, especially in light of the decisions from England stating that a ceremony was always necessary to sustain the validity of marriages. It is most likely that while informal marriages were never sanctioned by common law, they were allowed to exist for a certain period of time.

But it is certain that nonceremonial marriages were never sanctioned in American colonies, although permitted in some when they occurred. Thus a ceremonial marriage is one that is recognized and supported by the Fundamental or Organic law of this land. A ceremonial marriage is therefore the type of marriage that will have the strongest legal base, and one Americans should engage in.

In reviewing the history of this subject, we find that there exists sort of a conflict between the popular meaning of the term "common law marriage" and its legal or technical meaning. It thus is a term that should be clarified when used or not used at all. While the type of marriage proposed herein could be said to be at common law, that is, American common law, it would be better to say that it is pursuant to the Organic Law of the United States.

9 See also, *Maynard v. Hill,* 125 U.S. 190; *State v. Duket,* 90 Wis. 272, 63 N.W. 83.

# 6

# MARRIAGE LICENSE ?

*Marriage was not originated by human law. When God created Eve, she was a wife to Adam; they then and there occupied the status of husband to wife and wife to husband.*

– Texas Supreme Court
*Grigsby v. Reib,* 105 Tex. 597, 607

Here again the chapter title is followed by a question mark, indicating something is not as it popularly appears to be. Since we basically know what a marriage is, we should next ask, what is a license? And further, what connection does it have with marriage through the term "marriage license?" A license, which is a legal instrument, is defined as follows:

> A license is merely a permit or privilege to do what otherwise would be unlawful. *Payne v. Massey,* 196 S.W. 2d 493; 145 Tex. 237, 241.
>
> The object of license is to confer a right or power which does not exist without it and exercise of which without license would be illegal. *Inter-City Coach Lines v. Harrison,* 157 S.E. 673, 676; 172 Ga. 390.

From the above definitions of license, it can be concluded that a license is needed to do something that is normally unlawful or against the law. Thus a "marriage license" must be required of a couple before they can be married otherwise the marriage would be unlawful. But we might ask, if the parties to the marriage had met and fulfilled all the criteria for a lawful marriage, why would the marriage be unlawful? Were any such "marriage licenses" required under the English common law or under American colonial law? To answer these question we need to look back at the history of marriage in America and England.

"The term 'marriage license' has its origin in early English ecclesiastical practice, in accordance with which a bishop's license

or archbishop's license released candidates for marriage from the obligation of publishing their banns in church." [1]

American colonies, for the most part, had adopted the system of civil banns or "publication" by requiring the posting or reading of marriage banns in some public or civic location, such as the market place, town square, etc. After a period of time a few colonies established religious marriage ceremonies[2] and banns were published by the church, but were also required to be published in a civic manner. Thus we find that, "in all the colonies, from New Hampshire to Georgia, provision was made that the banns of the marriage should be read three times in some public place."[3] Goodsell mentions that in some of the southern colonies the parties intending to marriage could obtain a license from the Governor, or, later, from the county court, instead of publishing banns.[4]

In 1664, when the New Netherlands had come into control of the English, the power was granted to the Governor to issue licenses in lieu of publication of marriage banns. This was continued under the Act of 1684 (see page 49). A Virginia Act of 1748 entitled, *"An Act concerning marriage,"* provided that no person shall be married without license or publication of banns.[5]

We thus see that under both the common law of England and, through its influence, under colonial laws, their had existed a type of marriage license. But we must highlight the distinguishing features of its use so as to compare with today's "marriage license."

The marriage license under both the common law and American colonial law, was not a direct license on the marriage itself, but was issued to those who either had not published the banns of their marriage, or was used just as an alternative to publication. We have

1 Mary Richmond and Fred Hall, *"Marriage and the State,"* (1929), p. 17.

2 The earliest marriage recorded in Massachusetts as having been celebrated by a minister of religion instead of by a civil magistrate bears the date of 1686.

3 Willystine Goodsell, Ph.D., *"A History of Marriage and the Family,"* 1934, p. 382.

4 Ibid. p. 383.

5 Otto E. Koegel, *"Common Law Marriages,"* 1922, p. 64.

seen that publication of banns prior to marriage was made a requirement in all the colonies. Thus, if a couple wanted to get married, but had not published or announced their marriage banns, it would be unlawful for them to do so. But by securing a license, they then would have gained the right to get married without publishing marriage banns. The license gave them a "special privilege" to do what would otherwise be unlawful, for it has always been unlawful to get married in this country without first publicizing the marriage banns. This then would definitely fulfill the general definition and proper purpose of a license.

The marriage license today, however, is used for a different purpose, and is of a quite different nature. Today's marriage license, as made a requirement by the States, is issued for the marriage itself and not just a requirement of it. In other words, the act of marriage requires a license and therefore the marriage itself is unlawful.

The question here is can the State make marriage unlawful? We have seen where marriage between those of a different race were made unlawful, and also marriages of consanguinity or affinity of blood were made unlawful in colonial times. But is a marriage between two citizens unlawful or can it be made unlawful? No, because it has never been unlawful in America or England for two citizens to get married as it has always been regarded as a natural right:

> Marriage is a natural right. It was not created by law. It existed before all law. Marriage is a right of personality. *Ramon v. Ramon*, 34 N.Y.S. 2d 100, 105.

> Marriage is an institution of society founded on consent and contract of parties and it is one instituted by God himself and has its foundation in the law of nature. *Alexander v. Kuykendall*, 63 S.E.2d 746, 747; 192 Va. 8.

Marriage in America is both a civil right and a natural and unalienable right, which means it cannot be denied to a citizen or surrendered by him, that is not without one's consent.

But can the State regulate a natural and unalienable right such as marriage? Yes they can. The States have always had the authority to do so. This is what they had done with the colonial laws we have looked at. The colonial States regulated marriage by prescribing the type or method of solemnization and celebration, and by requiring

publication of banns, parental consent, witnesses, registration, etc. All are means of regulation to insure the sanctity and proper order of the marriage for the benefit of society. Also, all these means of regulation are now part of the Fundamental law of the land. However, the marriage license of today goes beyond the means of such regulation. A license, although a means of regulation, is totally different in that it gives the issuer the power to prohibit:

> The authority to license implies the power to prohibit, such being the meaning of the term. *The City of Burlington v. Bumgardner,* 42 Iowa 673.

The authority to license the act of marriage per se, can not conform to or pass as a means of reasonable regulation because to "regulate is not synonymous with prohibit." (*Yaworski v. Town of Canterbury,* 154 Atl.2d. 758, 760). Further, since marriage is a natural and unalienable right, it can only be regulated, but that authority cannot extend to licensing for the object of each are different:

> Does the power to regulate confer the right to license? We think not. We discover that to license and to regulate do not require the exercise of the same power, and the same objects are not attained by the acts authorized, and this being settled leads to the conclusion that the first cannot be exercised under authority to do the last. *The City of Burlington v. Bumgardner,* 42 Iowa 673.

Thus the State can only regulate marriage and cannot license or "prohibit" the act of marriage under the guise of regulating it. But why can a State prohibit marriages of consanguinity or interracial marriages? It is because these marriages are against the laws of nature or are unnatural and therefore are not a natural right. As stated in the beginning of this chapter; *"Marriage was not originated by human law,"* but rather *"is one instituted by God himself."* Thus man, or an artificial entity he creates (the State) cannot usurp the authority to permit or prohibit marriage at will, which a license would do. That authority belongs to God alone.

> Marriage is everywhere regarded as a civil contract. The statutes in many of the states, it is true, regulate the mode of entering into the contract, but they do not confer the right. Marriage is founded on the law of nature, and is anterior to all human law. *In re McLaughlin's Estate,* 30 P. 651, 652; 4 Wash. 570.

A license, by its very definition, "confers a right" to do something (*Inter-City Coach Lines v. Harrison,* supra). A license gives one the

right or liberty to do some act that he normally could not do. But we need to understand that God gave us, as white Christian men and women, the right or liberty to marry one another. Thus we could say that God has issued to each of us a license or right to get married. This is why we call it a natural or unalienable right, because it was issued or given to us by God. The problem here is if we take the State marriage license, we surrender our natural right or license that was issued by God. Many courts have recognized the validity of marriages in the absence of a marriage license:

> It is well established that the failure to procure a marriage license does not have the effect of rendering the marriage void. The requirement of the license preliminary to marriage is wholly of statutory origin . . . When a marriage has been proven there is a presumption in favor of its continuance. *Browning v. Browning*, 224 Md. 399 (1960).

So the question here is, why would our State governments, which are suppose to secure our natural rights, make us surrender them by requiring a marriage license? The answer is simple, they don't. The issuer of the license is not the State (*de jure*) but is the *de facto* State Government. The *de facto* State Governments are not independent powers but are merely tentacles of the national *de facto* government that first gained footing and control in America through the outcome of the Civil War. It was this entity that was actually the victor of that war and we could just as well call it *Mystery Babylon,* for it is indeed a mystery to almost all Americans.

Can the Babylonian Government force us to become a part of it? No it cannot, but masquerading as our *de jure* government, it can trick, fool and deceive us in to waiving our God-given rights; and once it has deceived enough of us over to its side, it then is in a position to coerce the rest that were opposed or indifferent to adopting its rules, licenses, benefits, social security, insurance, paper money, etc.

When this Babylonian government was established, it needed to first make some laws since it could not operate through the *de jure* laws of the U.S. Government. Thus it established the 13th, 14th, and 15th Amendments, which are only called by that name so Americans will believe they are part of the U.S. Constitution, even though they are contrary to it. In the "14th Amendment," the *de facto,* Babylonian

Government issued its version of "liberty," which basically meant the same thing as the liberty in the 5th Amendment or the Preamble except this liberty was amendable and conditional.

Since the central head of the Babylonian entity, which was posing as our "Federal Government," could not interfere with marriage directly, without giving up its guise, it sent out a decree to its satellite (State) governments to do so. It did this through the *Uniform Marriage and Marriage License Act* [6] which established an outline for marriage license laws. By 1929, practically every State had marriage license laws modeled after the master plan of the Federal (Babylonian) Government.[7] Thus, the marriage license today is an extension of the 14th Amendment and when a party becomes a holder of one, their rights become limited by the rules under it and the terms of the issuer.

> The rights of a licensee can rise no higher than the terms of the statute or ordinance by which he became the holder. *Steves et al v. Robie*, 139 Me. 359, 363.

Thus, when we use our natural right or license, issued to us by God, we become limited in our rights under the terms of the issuer – the God of Israel. We have seen some of these requirements and restrictions God has imposed; such as we cannot divorce, husband and wife are each bound to certain duties, we cannot marry outside our race, etc. Also, under God's license or liberty, we are accorded certain rights; one of the most important is that the right to the control and supervision of children produced by the marriage.

But in a like manner, when we partake of a marriage license we become limited in our rights under the terms of its issuer – the Babylonian government via the *de facto* State. The State (*de facto*) exercises its restrictions and limitations over the most prevalent and important product of the marriage it sanctions – that being the children. In fact, the terms of the marriage license that pertains to the children, derived through the marriage, are so all-encompassing that the State actually takes legal possession of them, while allowing the parents the retain physical possession. Thus the State actually

6 Uniform Laws, Annotated, Vol. IX (1923), pp. 191-224.

7 This is evidenced in; *"Marriage Laws and Decisions in the U.S."* by Geoffrey May, 1929.

becomes the legal guardian of the children making the child a ward of the State. This legal control the State has acquired over children of a State-licensed marriage, has allowed it to do things with the children that it could never do under a natural or God-licensed marriage.

The following are some of the limitations and restrictions that have been exercised by the *de facto* State involving "their" children:

- *They can send them to schools not of the parents choosing*
- *They can restrict and control the discipline a parent can use on the child*
- *They can require the children to be injected with a type of drug or medicine it feels is necessary, even though potentially harmful (such as with the swine flu shots).*
- *They can draft them into their military to fight in their wars*
- *They can require them to obtain a social security number*
- *They can remove the child from the parents home for their failure to follow the above, or other, rules and restrictions*

Most parents have experienced some of these rules and limitations placed on the children they have had, not understanding how or why the "government" can do such things. People never think of the legal implications of a marriage license. But we must also weigh these limitations and rules against the rights gained by the marriage license:

- *The "holders" of a marriage license are allowed a divorce*
- *The license allows the holders to marry outside their race*
- *It allows the parents to abort their unborn children*

We thus see that the liberty or "license" given to us by God is diametrically opposite to the liberty or license issued by Babylon via the State. What God has limited or restricted us in, the marriage license grants us the right to do; and what God has given to us as a right, the marriage license limits and restricts.

It is apparent that under today's situation, getting married by way of a marriage license is a sin in itself. Ironically most people think they would be committing sin without it. Marriage is a three-party contract and the only question is, who will be the third party, God or an agent of Babylon? The answer we should follow – **Acts 5:29**.

# 7

# THE MARRIAGE COVENANT

*By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection, and cover, she performs everything; and is therefore called in our law-french a feme-covert; and her condition during her marriage is called her coverture.*

– Sir William Blackstone
*Commentaries,* Vol. I, Chap. XV

The laws of marriage our forefathers have developed in America, conceives of marriage as a permanent lifelong union. This conception is based on the Christian principle of marriage as an holy union of man and woman ordained by God, and therefore meant to last for the life of the parties to the Covenant: *"We take each other to love and to cherish, is sickness and health, for better, for worse, until death do us part."*

The Christian marriage is both of a Divine and legal nature. It thus is unique from all others in that it is a special type of civil contract, and also that it is based on the idea of an holy fusion of two entities into a new body with one head; symbolizing the union of Christ with the church or body of Israel. We also liken it to the Divine union of our ancestral parents – Adam and Eve. This dual nature of marriage has been recognized by many of our earlier American Courts.

> Marriage is defined to be a covenant between a man and a woman, in which they mutually promise cohabitation and a continual care to promote the comfort and happiness of each other. It is an institution of God, and a very honorable state. The Saviour honored it by his presence, and at such a solemnity wrought his first miracle: Buck Theo. Dictionary, 261; Heb. xiii.; Gen. ii.; John ii. *Lonas v. The State,* 50 Tenn. 287, 308.

In regards to the legal nature of the marriage covenant, American cases have declared marriage to be "an institution," a "domestic relation," a "contract," a "civil contract, and a "status." Legally speaking, the marriage covenant is like other contracts in that it requires mutual consent, but differs from an ordinary contract in that:[1]

1.) *It cannot be rescinded or its fundamental terms changed by agreement.*

2.) *It results in a new status of the parties.*

3.) *It merges the legal identity of the parties into one.*

4.) *It is not a contract within the U.S. Constitution forbidding legislation impairing the obligation of a contract.*

5.) *The tests of capacity differ from those applied to ordinary contracts.*

The covenant of marriage will follow most other principles of a contract, however, such as those surrounding fraud, duress or coercion which make the contract voidable.

## COVERTURE

Through the covenant of marriage, the woman becomes dressed in a new legal status known as "coverture." Webster defines it as follows:

> **COVERTURE,** n. Covering; shelter; defense.
> 2. In law, the state of a married woman, who is considered as under cover, or the power of her husband, and therefore called a feme-covert, or femme-couvert. The coverture of a woman disables her from making contracts to prejudice of herself or husband, without his allowance or confirmation.[2]

Coverture is the natural result of the legal merger of identity and status where the husband and wife share the "cover" and authority of the husband. This concept of merging two identities into one, long antedates any established law and has its foundation in the Bible:

1 Chester G. Vernier, *"American Family Laws,"* Vol. I., (1931), p. 51.

2 Noah Webster, *"An American Dictionary of the English Language,"* 1828.

23 And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man (Adam).

24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh. [3]

Through marriage the husband and wife become one person or "flesh," and in a legal sense the "one" is the husband. A married woman has no specific capacity or right to contract,[4] and actually has no need to do so. Also, she cannot be prosecuted to enforce a contract she had made. The husband has the power to repudiate or accept any such contract or agreement his wife may make:

> At common law a married woman's contract is absolutely null and void *ab initio* * * * It is settled by the decisions in this state that married women have no power, except such as is affirmatively given by statute, to bind themselves personally by contract.[5]

This also is a principle derived from the Bible:

> 13 Every vow, and every binding oath to afflict the soul, her husband may establish it, or her husband may make it void. [6]

Further, since the wife's legal existence is merged into the husband, she cannot legally sue or be sued in her own name. The husband, in whose hands all responsibility and authority are place, stands not only as the head of his wife and children, but also as an impenetrable wall between them and the outside world. The husband acts as their "cover" to legally or physically attack or defend in their behalf. Since the wife and children are under the protective cloak and legal cover of the husband, they not only take on his name, but his status as well. If the husband is a citizen they are a citizen, if he is free they are free, and if he is a slave, they are also slaves. However they do not become corrupted for any crime he would commit nor he for any crime they commit – *"Fathers shall not be put to death for crimes of their children, neither the children be put to death for the crimes of their fathers"* **(Deuteronomy 24:16)**.

3 Genesis 2:23-24

4 *Craig v. Lane,* 89 Pac. Rep. 2d. 1008, 1009 (Idaho–1939).

5 *Saunders v. Powell,* 67 S.W. 402, 403 (1933).

6 Numbers 30:13 (See entire chapter of Numbers 30).

Also under this doctrine of coverture, a married woman loses control of her real property and the husband is vested with full possession and control of all community property in a marriage. This principle applies primarily to the right of selling or disposing of the property rather than its general use.

It will no doubt be asserted by some that this doctrine of coverture is sexist and chauvinistic. It is sexist in that it recognizes the natural and obvious differences in the two sexes and deals with them accordingly. But it does not follow the negative connotation of those terms in displaying contempt for the opposite sex.

It is a basic and fundamental fact of nature and law that men and women were not created equal. They are opposites and therefore attract, they are complementary and therefore match, they are different physically, sexually, and mentally, and therefore are unequal. The covenant of marriage requires the parties to be of the opposite sex, and the more opposite, the better. This great distinction between men and women is consistently expounded upon in the Bible, and also has been by our Supreme Court:

> The civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.[7]

## CAPACITIES AND DISABILITIES

The contract of marriage requires the parties to possess certain capacities and be free of certain legal disabilities before they are able to enter into such a contract. This is an aspect of marriage which is subject to legislative control. We have seen one such capacity that must be met with the issue of race. In America, marriage laws were established by and for the white race and therefore the parties must both be of the white race. These laws were also enacted for Christians and many times it was unlawful for a Christian to marry outside their faith. Even marriage with Catholics, and agnostics were prohibited.

7 U. S. Supreme Court, *Bradwell v. Illinois,* 16 Wallace 130, 140 (1864).

The degree of consanguinity and affinity of blood of parties have always established the capacity to marry. Blood relationships that were not allowed to intermarry under English and American laws have followed the Levitical degrees established in **Leviticus**, 18 and 20.

The age of the parties is a disability that has generally been established in American law at 21 years for males and 18 for females. This is another area in which we did not adopt the common law, as it established the legal age of marriage for males at 14 years and 12 for females. Parental consent is required for any one under the "legal age" limit or anyone living with and dependent on their parents.

Another disability to a marriage covenant is whether or not the parties are free to marry. This covers two areas. One is that a slave cannot marry without their master's permission. Secondly, it applies to persons that are already legally married, for ones who are married are said to own one another. Polygamy has often been a subject of controversy because it was practiced in the Old Testament and in fact the Mosaic Law even recognized the possibility of its existence (Exodus 21:10 and Deut. 21:15). But Israel was never commanded to have two or more wives therefore it was not a law but only a provision for a practice that existed at that time. Polygamy and bigamy were made unlawful by the common law, and we can suppose that it was done so by **Divine Providence**. This precept of the common law was adopted in America and was asserted by the U. S. Supreme Court when it upheld the constitutionality of an 1862 Congressional act prohibiting Polygamy. In *Reynolds v. United States,* 8 Otto 145 (1878), the court prohibited the Mormon Church practice of polygamy stating that it has always *"been an offense against society."* This position was upheld in later cases:

> The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and of the civilization which Christianity has produced in the Western World. *Late Corp. of Latter Day Saints v. United States,* 136 U.S. 1, 49.

Other areas where lack of capacity or possessing a disability have prohibited marriage under State laws include individuals who are found to be any of the following; idiots, lunatics or mentally insane, persons afflicted with venereal disease, persons adjudged

feeble-minded, or one afflicted with hereditary epilepsy, have been disallowed to intermarry, and marriages by fraud or duress are void.

## THE MARRIAGE CERTIFICATE

For a lawful marriage covenant to exist between a man and a woman in America, we have seen that certain indicia or criteria, as established by our colonial forefathers, must be met. The one element of marriage focused on here is the "marriage certificate" as it helps tie together and prove the other criteria.

The marriage certificate seems to have been used by our people for several thousand years. Such an instrument was commonly used in Anglo-Saxon law in which such a document contained the marriage-articles or agreements and promises of the contract. A type of marriage certificate or document was also apparently used by our ancestors during Biblical times:

> 13 Then he called his daughter Sarah, and she came to her father, and he took her by the hand, and gave her to be wife to Tobias, saying, Behold, take her after the Law of Moses, and lead her away to thy father; And he blessed them,
>
> 14 And called Edna his wife, and took paper, and did write an instrument of covenants, and sealed it. 15 Then they began to eat. [8]

Since marriage is a type of contract it was often found appropriate to formalize the terms and conditions of the marriage by setting them to writing and then signed by those involved. The marriage certificate acts as an evidence or an official record that a marriage did in fact take place. While its use was not made a requirement in all the various states, when it is used, "the general rule is that a properly authenticated marriage certificate or record is admissible to prove the marriage."[9] A marriage ceremony between given persons may be properly made by a signed certificate of marriage (*In re St. Clair's Estate,* 46 Wyo. 446; *State v. Behrman,* 114 N.C. 797). A certificate is proof of a marriage where it is shown that the parties were married by a minister in church (*Fratini v. Caslini,* 66 Vt. 273, 29 Atl. 252).

8 Tobit 7:13-15.

9 *American Jurisprudence,* 2nd Ed., Vol. 52, 154. See also *Gains v. Relf,* 12 U.S. 472 (1851); *Overton v. Overton,* 260 N.C. 139, 132 S.E. 2d 349, et al.

This Certifies

THAT THE RITE OF

# HOLY MATRIMONY

WAS CELEBRATED BETWEEN

Dr. Wm. A. Saxon of Worthington

and Ruth O. Maxwell of Worthington

on December 26th 1900 at Worthington

by Rev. C. F. Bronson.

Witnesses: Miss Florence Maxwell

Mr. Wallace A. Saxon.

A portion of a marriage certificate from Minnesota, 1900.


A type of marriage certificate used in Wisconsin in 1908.

The "Certificate of Marriage" that is used with this material incorporates the criteria and principles of marriage laws enacted during colonial times, and which have been recognized as being necessary for lawful marriages by the courts. The marriage certificate states that banns were made public prior to the marriage, an official marriage ceremony took place, and there were witnesses to the marriage. The signing of it attest to these facts and also binds the parties to certain duties, responsibilities, and obligations. It therefore is imperative that the parties read and understand what is being said and agreed upon in this certificate before signing it, for once this covenant is made, it cannot be legally revoked or dissolved.

The certificate of marriage used with this material is, however, somewhat unique and different from one that might have been used in the colonial period in that it identifies our God by our racial and genealogical ancestry—"The God of Abraham, Isaac, and Jacob.". This is necessary, especially today, as the God of the Bible has become denominationalized just as Christianity itself has been. Thus there is a Catholic God, a Protestant God, a Methodist God, a Baptist God, a Mormon God, etc., each with different doctrines, precepts, powers, and prophecies. However there is only one God. God had established who he was and how he should be identified, when speaking to Moses at the burning bush, by reference to our genealogical heritage:

> 15 And God said moreover unto Moses, Thus shalt thou say unto the children of Israel, the LORD God of your fathers, the God of Abraham, the God of Isaac, and the God of Jacob, hath sent me unto you: this is my name forever, and this is my memorial unto all generations. [10]

God gave Moses this name for Himself so the children of Israel could identify and understand who their God was by referring to their own racial genealogy. This name was to be "a memorial (or a remembrance) unto all generations" of the Israel race "forever." The God of the Bible only dealt with, talked and walked with, made promises and covenants with, and gave his law to our Fathers - Adam, Noah, Shem, Abraham, Jacob, etc.; and no other family or racial line has the Almighty associated with (**Amos 3:2**).

10 Exodus 3:15.

Thus, when we sign a marriage contract with the promise to abide by the laws of the God of Abraham, Isaac, and Jacob our fathers, we can understand perfectly well what God and what laws are being referred to. Further, this could only be done if we understand that we, the white European race, are God's chosen people Israel, and that we are bound to these laws because of our heritage. This is what makes marriage among white Christians different and unique from all other races — we have a true God and they have only idols. And when we obtain a "marriage license" we put ourselves in their position or status which God will not recognize, for God "will not give his glory to another" (**Isaiah 48:11**), that being to the *de facto* State. There is only one God and all other powers or entities that we substitute for or use as a god is only an idol.

The marriage certificate also states that we are following the "Organic Laws of the United States." All of the laws our colonial forefathers had established are part of this law and we therefore, as U.S. citizens are bound to them. We have seen that the licensing laws enacted by the *de facto* State do not conform to any such license that was occasionally used in colonial times. While marriage license laws have usually not been enforced, this is due to the fact that the Babylonian powers which have initiated such licensing, are the same ones who promote the ideas of "free love," sexual promiscuity, adultery, etc.

But by following the legal principles of the Organic Law of this nation surrounding marriage, we establish a defense against the *de facto* system. It thus is important that we follow as many of these principles of the Organic Law as possible. The marriage certificate, the ceremony, having witnesses, publication of banns, etc. will all be recognized as evidence of the marriage being valid and lawful, and anyone arguing its validity has the burden of proving it invalid:

> If a ceremonial marriage is in fact established by evidence or admission it is presumed to be regular and valid, and the burden of showing that it was an invalid marriage rests on the party asserting its invalidity. *Overton v. Overton,* 260 N.C. 139, 143.

The current "worldly" system has done everything possible to debauch the institution of marriage. *"Marriage is to be honorable"*

(**Hebrews 13:4**), and the only way to keep it so is to keep the Positive Laws and Principles that God has given our forefathers.

## DISSOLUTION OF THE MARRIAGE BOND

One of the most harmful and disrupting influences to society is allowing easy divorces. Colonial laws and practices with respect to (1) absolute divorce, and (2) separation from bed and board, show marked differences. While marriages were made somewhat difficult to enter into by way of legal requirements, their dissolutions were made even more difficult. Divorce laws, like those of marriage, no doubt were influenced by the Bible, as we see that throughout the colonies the patriarchal form of family government prevailed.

In general, female adultery was never doubted to have been sufficient cause for divorce; but male adultery, after some debate and consultation with the elders, was often judged not sufficient. Desertion a year or two, when there was evidence of a determined designed not to return, was always good cause; so was cruel usage by the husband. Remarriage was not mentioned except as being treated as a privilege to women in case the husband had been absent four or five years and his whereabouts was unknown, thereby counted as dead.[11]

In the New England colony of Massachusetts, forty cases of divorce or annulment were brought before the Court of Assistants during 1639-1692. Of these, four were suits for annulments with no cause given and the marriage declared void. There were four cases of bigamy, two for affinity, and ten cases in which adultery was part of the suit. Twenty-eight of the forty cases were brought by women, mostly for desertion or abandonment, as seventeen cases were wholly or partially for this cause. [12]

The English rule of law on divorce allowed a divorce or separation from bed and board for two causes only, adultery and cruelty. This had to be by decree of an ecclesiastical court. Absolute divorce was not recognized. But while the colonists carried with them the English

11 Willystine Goodsell, *"A History of Marriage and the Family,"* 1934, p. 394.

12 George Howard, *"A History of Matrimonial Institutions,"* vol. 2, 1904, p. 333.

law, they did not bring likewise the English courts. As a result, no divorces or legal separations were granted in the southern colonies throughout the colonial period. Their statute books are entirely silent on the subject of divorce jurisdiction.[13]

Divorce, like marriage, can be regulated by the State, and laws have been enacted that allow or provide for divorce, annulments, or separations. Government can totally prevent divorces — as did South Carolina in its Constitution of 1895 (ART. XVII, SEC. 3). Through the years most States have allowed divorces on proof of adultery, cruelty, insanity, felony, desertion, habitual drunkenness, fraud, physical incapacity, and failure to provide.

The marriage covenant, as with any covenant, depends upon mutual trust and cooperation in upholding the terms of the covenant. A wife cannot expect her husband to support her when she refuses to obey him. Nor can a husband expect his wife to be obedient when he does not abide by his terms of the covenant to support her. While divorce, broken homes, and separations have always existed to some degree throughout our history, the obvious reason is due to the lack of understanding and agreement of the terms of the marriage covenant.

It is important we remember what Goodsell (pg. 8) and others had stated regarding the ease and frequency of divorce that exists among the primitive and uncivilized people around the world. In every case these loose and unstable marital bonds directly reflect the crude and primitive societies and cultures they are noted for. It is therefore certain that the higher the incident of divorce, separation, etc., that exist among our people, the more our society and culture will be degraded towards these primitive levels. This is exactly what the anti-Christian forces desire to see happen to us.

The laws and principles of marriage that have been emphasized herein, are such that will effectually eliminate divorce, promote stable marriages and prosperous societies. However, they were only intended for Christians and will no doubt be only implemented by Christians and thus will only work for Christians.

13 George E. Howard, *"A History of Matrimonial Institutions,"* Vol. II, pp. 366-367.

*Marriage is treated as a civil contract, but it is more than a mere civil contract. It is a public institution established by God himself, is recognized in all Christian and civilized nations, and is essential to the peace, happiness, and well-being of society. In fact, society could not exist without the institution of marriage, for upon it all the social and domestic relations are based.*

- Indiana Supreme Court
The State v. Gibson, 36 Ind. 389

*While marriage is in essential respects a civil contract, it is something more. From it results a status, of profound importance not only to the parties, but also to society and to the State. Upon it largely depends the procreation of succeeding generations, and public policy is concerned with the preservation of the purity and virility of the race.*

- North Carolina Supreme Court
Winders v. Powers, 217 N.C. 580

*Marriage is not only a contract, but, when consummated, creates the most peculiar and solemn of all domestic relations. * * * It is akin to the tender relation between parent and child, and has a peculiar sanctity, not to be expressed in any commercial phraseology like the word 'contract.' Its obligations can be enforced and its violations redressed in ways unknown to the law of contracts. It is shielded from unholy intrusion by severe penalties enacted in laws both human and Divine.*

- Wisconsin Supreme Court
Cook v. Cook, 56 Wis. 195

*Harmony in the marriage state is the very first objective to be aimed at.*

- Thomas Jefferson

*Where there's marriage without love, there will be love without marriage.*

- Benjaman Franklin